

Title: Understanding extra-judicial responses to young people's offending; out of court disposals and 'diversion' in social context

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UNDERSTANDING EXTRA-JUDICIAL RESPONSES TO YOUNG  
PEOPLE'S OFFENDING; OUT OF COURT DISPOALS AND  
'DIVERSION' IN SOCIAL CONTEXT

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UNDERSTANDING EXTRA-JUDICIAL RESPONSES TO YOUNG  
PEOPLE'S OFFENDING; OUT OF COURT DISPOSALS AND  
'DIVERSION' IN SOCIAL CONTEXT

By

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A thesis submitted to the University of Bedfordshire, in fulfilment of  
the requirements for the degree of Professional Doctorate Leadership  
in Children and Young People's Services (Youth Justice)

February 2019

## Academic Thesis: Declaration of Authorship

"I KATY O'BRIEN declare that this thesis and the work presented in it are my own and has been generated by me as the result of my own original research.

Understanding out of court disposals and extra-judicial responses to young people's offending behaviour; 'diversion' in social context.

I confirm that:

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3. Where I have cited the published work of others, this is always clearly attributed;
4. Where I have quoted from the work of others, the source is always given. With the exception of such quotations, this thesis is entirely my own work;
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## **ABSTRACT**

This thesis explores the use out of court disposals as responses to offending by 10–17 year olds, through analysing a case study of a diversionary practice in one local authority between 2012 and 2014. The case study is made up from mixed methods data from fourteen service user interviews and a focus group of six staff who had been involved in the delivery model, which included some visual methods. There is also some data from local authority systems that provides insight into the service contact patterns of the interviewees. The data is thematically analysed using a framework based on ecological systems from Bronfenbrenner (1979) and Bourdieu's 'thinking tools' (Bourdieu and Wacquant, 1992). The work of France et al (2012), which proposed the notion of 'political ecology' as useful for understanding young people's relationship with crime, is extended to provide a framework for understanding practice that diverts young people from prosecution.

The thesis contributes to knowledge by showing how 'diversion' includes a range of practices whose operation can be understood in terms of Bourdieu's social fields. This data challenges a traditional construct of 'the system' and suggests that the notion of system entry is unhelpful for understanding the experiences of young people. Some young people emerge as having contact with a wide range of services including social care and early help and thus they can be considered to already be system involved when this broader picture is considered. Thus a notion of '*keeping them out*' of the system, as suggested at the focus group as a rationale for offering minimal service responses, was mismatched with their experiences and their needs. There is also critical discussion of how the practice of community resolution by police without involvement from young peoples' services can be considered as a separate field of practice and is usually understood as being outside 'the system'.

Insight is gained into the ecological worlds of service users and this offers a sense of how diversionary processes are contextualised by a range of influences, which are analysed by applying the notion of political ecology. Many of these young people faced considerable social adversity and very minimalist responses in the name of diversion which produced a mismatch in terms of service offers and need. Bourdieu's thinking tools are applied to promote critical reflexivity. The mismatch is relevant to understanding ideas of labelling and how this may be understood in terms of social interaction. Insight from the reflexive analysis shows how young people attribute varying levels of significance to receiving out of court disposals and related services which is affected by social context. It is suggested that to promote desistance clarity about disposals and relatability of responses need to be promoted. Also a sense of connectedness to others stood out as important to preventive processes. There are implications for policy and practice which include a need for joined up decision-making between police and young people's services and relationship-based practice approaches for those young people with more complexity of need.

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## Table of Contents

1. Title Page	i
2. Author's Declaration	ii
3. Abstract	iii
4. Acknowledgements	v
5. Table of contents	vi
6. List of appendices	xiv
7. List of tables	xvi
8. List of figures	xvii
9. Glossary of Terms	xix
 <b>Introduction</b>	 <b>1</b>
An introduction to the current context.....	1
Introduction to the chapters.....	5
Introduction to the context of the primary research.....	7
 <b>Chapter 1 - Literature review</b>	 <b>10</b>
Introduction to the chapter.....	10



Part 1 - the literature in relation to the history of responses to young people's offending in the UK pre-2010.....	11
Early roots of services for young people who offend.....	11
1980s–mid-1990s.....	15
1990s to 2007.....	18
2007- 2010.....	26
 Part 2 - Theoretical perspectives informing this thesis.....	29
Introduction to the theory context.....	29
Labelling – a theoretical perspective often associated with diversion.....	31
Social context and labelling processes.....	35
Developmental Criminology and Life Course Perspectives.....	38
Multi-Level theories.....	40
Bronfenbrenner's ecological systems.....	41
Bourdieu's 'thinking tools'.....	43
Habitus.....	44
Field.....	45
Capital.....	46
Doxa.....	48
Reflexivity.....	49
Applying Bourdieu to the UK youth justice context.....	49
Political ecology.....	50

## **Chapter 2 - Policy and its implementation** **53**

Introduction to the chapter.....	53
The current policy framework 2010–present.....	55
Tensions in policy.....	65
‘Integrated’ or ‘Targeted’ Youth Support, Social care and Early help.....	67
Mental health.....	71
Child Sexual Exploitation.....	72
Substance use.....	74
Education.....	75
Community issues of anti-social behaviour and also violence related to groups and gangs	77
National implementation – ‘Diversionary’ practice models in a context of localism.....	80
Diversion schemes.....	81

## **Chapter 3 – Methodology** **90**

Introduction to the chapter.....	90
Rationale and positionality.....	94
An overview different methods involved.....	98
Ethics in practice.....	102

Issues of consent and choice to participate.....	102
Issues of confidentiality.....	104
Issues of dealing with difficult subject matter.....	105
Approach to the literature review.....	106
The experience of carrying out the research.....	107
Research with service users.....	107
The Sample.....	108
The interview process.....	112
Analysing the data.....	115
Research with staff.....	117
The sample.....	117
The focus group process.....	118
Analysing the data.....	119
Quantitative data.....	120
Collecting, cleaning and coding.....	120
Small quantitative data on interviewees.....	123
Collecting, cleaning and coding.....	123
Analysing the data.....	125

Integrating the mixed methods data.....	125
Reflections and 'What I would do differently' .....	126
Interviews.....	126
Research with staff.....	129
Quantitative data.....	129
Reflections on analysis.....	130
 <b>Chapter 4 – Extra-judicial responses, ‘the system’ and social fields</b>	 <b>132</b>
Introduction.....	132
Different practice approaches to diversion.....	133
A ladder? .....	133
The rationale for diversion.....	142
Services involved in diversionary responses – social fields of practice.....	146
Youth Offending Team Early Intervention (YOT EI).....	146
Targeted Youth Support (TYS).....	149
The Police.....	150
Understanding the broader context of local services for young people.....	152
Keeping them out? .....	157

The police and 'informal' responses.....	160
--	-----

Conclusion to the chapter.....	164
--------------------------------	-----

## **Chapter 5 – Extra-judicial Responses in Ecological Context** **168**

Introduction to the chapter.....	168
----------------------------------	-----

How service users understood disposals – experiences of 'significance' and social context.....	169
--	-----

Social adversity and ecological context of extra-judicial responses.....	175
--	-----

Micro and meso level contexts.....	177
------------------------------------	-----

Family.....	177
-------------	-----

Partner and personal relationships.....	180
---	-----

Peers.....	184
------------	-----

Substance use.....	188
--------------------	-----

Education.....	190
----------------	-----

Social context - exo and macro systems.....	193
---	-----

Community, social spaces.....	193
-------------------------------	-----

Deprivation and economic strain.....	196
--------------------------------------	-----

Summary of the ecological analysis.....	198
---	-----

What seems hopeful? .....	199
---------------------------	-----

Conclusion to the chapter.....	201
--------------------------------	-----

## **Chapter 6 – Conceptual implications** **205**

Exploring key concepts from the analysis.....	205
---	-----

The implications of the findings in relation to key concepts.....	207
---	-----

Habitus.....	208
--------------	-----

Doxa.....	210
-----------	-----

Field.....	211
------------	-----

Capital.....	213
--------------	-----

Bronfenbrenner's systems.....	215
-------------------------------	-----

Reflexivity.....	217
------------------	-----

## **Chapter 7- Conclusion and Implications for Policy and Practice** **219**

Introduction to the chapter.....	219
----------------------------------	-----

Findings.....	220
---------------	-----

Ideas for policy and practice.....	223
Ideas about future research.....	226

<b>Bibliography</b>	<b>228</b>
---------------------	------------

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## **Appendices**

Appendix 1 for example interview schedule p.1

Appendix 2 for focus group schedule p.4

Appendix 3 – Consent forms and information sheet for service users p.5

3.a - Information sheet for possible participants p.5

3.b – Young people’s consent form p.7

3.c – Parent/carers consent form p.9

3.d – Additional Information sheet for possible participants about potential data to be gathered from LA1 Data systems about participants p.11

Appendix 4 – Service user quantitative data – what was gathered p.12

Appendix 5 – Images used in some interviews - now redacted in final version p.18

Appendix 6 – Framework for analysis of the mixed methods data p.21

Appendix 7 – ‘My World’ pictures by service users p.26

Appendix 8 – Analysis of interviews about mismatch of need and provision p.27

Appendix 9 – Information sheet and consent for gatekeepers p.31

9.a Information sheet for gatekeepers p.31

9.b Consent form for gatekeepers p.32

Appendix 10 – Information sheet and consent form for staff focus group participants p.33

10.a Information sheet for possible focus group participants p.33

10.b Consent form for focus group participants p.35

Appendix 11 - Services that made up ‘early help’ in LA1, from the staff focus group p.37



Appendix 12 - Interviewees who received court orders and pre-social care contact - SPSS chart p.38

Appendix 13 – Charts created using large quantitative data – please note this is not reliable data, as explained in chapter 3, so this is included for indicative purposes only p.39

**List of Tables**

Table 3.1 – Interviewees’ demographics, disposals and gatekeeper information p.110

Table 4:1 Interviewees by disposals and related service, with offence type and gravity p.137

Table 4.2 Interviewees and prior social care contact p.155

## **List of Figures**

### **Chapter 3**

3.1 – Ecological Systems theory p.112

### **Chapter 4**

4.1 A 'ladder' of out of court disposals, from the focus group p.134

4.2 YP1 Timeline p.138

4.3 YP8 Timeline p.139

4.4 YP4 Timeline p.139

4.5 YP10 Timeline p.140

4.6 YP6 Timeline p.141

4.7 YP8 Timeline p.141

4.8 The local structure of TYS, YOT and Social Care from the staff focus group p153

4.9 YP2 Timeline p.157

4.10 YP3 Timeline p.158

4.11 YP9 Timeline p.159

4.12 YP14 Timeline p.160

## Chapter 5

5.1 YP3 – My World p.179

5.2 - YP8 - My World p.181

5.3 YP10 – My World p.182

5.4 YP6 – My World p.186

5.5 Parent of YP13 – My son's world p.187

5.6 YP5 – My World p.189

5.7 YP4 – My World p.193

5.8 YP12 – My World p.194

## **Glossary of Terms**

**Caution** – Ministry of Justice/Youth Justice Board (2013) describe, ‘The Youth Caution is a formal out-of-court disposal which replaces the Final Warning Scheme. A Youth Caution may be given for any offence when the young person admits the offence and there is sufficient evidence for a realistic prospect of conviction, but it is not in the public interest to prosecute.’ (Ministry of Justice/Youth Justice Board, 2013: 7).

**Children’s social care** – Statutory social work provision in the UK responsible for safeguarding children under 18. See the Children Act (HM Government, 1989) and Working Together to Safeguard Children (HM Government, 2015) for more detail of the framework around children’s social care.

**Community resolution** – The Association of Chief Police Officers (2012) explain, ‘A Community Resolution is the nationally recognised term for the resolution of a less serious offence or anti-social behaviour incident, where an offender has been identified, through informal agreement between the parties involved as opposed to progression through the traditional criminal justice process.’ (Association of Chief Police Officers, 2012: 4).

**Conditional caution** - Ministry of Justice/Youth Justice Board (2013) describe, ‘The Youth Conditional Caution is a formal out-of-court disposal, but with compulsory assessment and intervention attached to it. A Youth Conditional Caution may be offered when a young person admits an offence, there is sufficient evidence for a realistic prospect of conviction and when the public interest can best be served by the young person complying with suitable conditions rather than a prosecution.’ (Ministry of Justice/Youth Justice Board, 2013: 8).

**Early help** – This is a policy initiative developed following the Munro Review of Child Protection (Munro, 2011). ‘Early help’ was developed as an idea in response to problems about the children’s social care system. It proposes that local authorities should have services in place to provide help to families with emerging and also more complex needs to prevent the need for statutory social work involvement. Local areas have their own arrangements for providing ‘early help’.

**Early intervention** – this is a broad blanket term for a wide range of initiatives which have generally have their roots in the notions of risk factors in the lives of children and young people. There is a developmental approach suggested to preventing adversity getting worse or having more impact on child’s wellbeing. See Allen (2011) for further exploration.

**First Time Entrants Target** – This is a target set up by HM Government (2007) to reduce the numbers of young people who ‘enter’ the youth justice system. This is the subject of considerable discussion within the thesis.

**Out of court disposal** - a range of disposals that police can use to resolve instances of offending by people outside of court (see Ministry of Justice/Youth Justice Board for further details).

**Targeted Youth Support (TYS)** – A policy initiative brought about by the New Labour Government under the Department for Education and Skills (2007). The aim of YYS as a policy was to provide a service to young people with additional needs across a range of policy fields which included education, family, emotional health and offending behaviour. In LA1 this was adopted as the name of a service for young people and their families.

**Young people** – for the purposes of this thesis ‘Young people’ refers to people aged 10 – 17 years because this is the age range of people who come under the responsibility of the youth justice system. It is worth noting that the Targeted Youth Support Service worked with people aged 10 – 19.

**Youth justice system (YJS)** – this is usually thought of as a collective of agencies involved in implementation of services for 10 – 17 year old who have committed a criminal offence. It may also include services for people thought to be ‘at risk’ of offending. The term came into popular usage following the establishment of Youth Offending Teams under the Crime and Disorder Act 1998. The notion of a ‘System’ of youth justice is a central discussion of the thesis. See Taylor (2016) for an up to date view of HM Government.

**Youth Offending Team (YOT):** Youth Offending Teams were created under the Crime and Disorder Act 1998 and were set up to be made up of workers from different professional backgrounds to work with young people convicted of criminal offences in England and Wales. YOTs may also work with young people who are not convicted at court in relation to out of court disposals or where risk of involvement in offending is identified. Models vary greatly across the country. See Taylor (2016) and Byrne and Brooks (2015) for more information.

## **Introduction**

This thesis examines findings from a piece of primary research into the use of out of court disposals with 10-17 years olds in one local authority (known as LA1 throughout) between 2012 and 2014. A case study of practice surrounding the use of these disposals will be built. Analysis will be developed to contribute to knowledge about extra-judicial responses to young people's offending. This chapter will now provide an introduction to the socio-political context surrounding the use of out of court disposals with young people. Issues for young people's services in balancing welfare and justice concerns are also discussed. There will then be an overview of the chapters that are contained within the thesis. This is then followed by some contextual information about the practice model that was researched.

### **An introduction to the current context**

In England and Wales children and young people aged 10-17 years can be held criminally liable for their actions and there are separate arrangements for 'managing' their offending to those for adults. For some young people these offences are dealt with by youth courts. Following a court disposal a young person will usually see a youth offending service, often a multi-disciplinary team of practitioners, although the structure of these teams has become more varied in recent years (see Byrne and Brooks, 2015). There are also ways of responding to young people's offending outside of court. Young people may receive an extra-judicial response which is decided on by the police and in some cases the police will involve a person with experience of working with young people to help inform their decisions. Models of practice of when and how this occurs vary greatly across the UK, as



acknowledged by HM Government's 2016 'Review of the Youth Justice System' by Charlie Taylor, (Taylor, 2016). These models are discussed in some depth in Chapter 2.

There are also services set up to protect children and young people in the UK. As Hanson and Holmes (2014) highlight there is disparity of the systems of youth justice and children's social care in terms of responding to adolescent risk. It reads, 'In terms of whole system approaches, it could be argued that the child protection system is an example of an "upward extension" and the youth justice system still too much of a "downward extension" (see APPGC, 2014)' (Hanson and Holmes, 2014). This is also acknowledged by Taylor (2016) with a recognition that often young people who become involved with youth justice services may also present in social care services and thus have experiences of parallel assessment and intervention. Whilst this is discussed in the review there is no suggestion about how these concerns relate to the use of out of court disposals. Indeed, there is no discussion of joining up the approach at the entry point to both systems. In Chapter 2, when the current policy context is considered, the areas of policy which suggest emerging offending behaviour in childhood and youth as an indicator of risk will be explored. This serves to highlight that understanding the response of public services to young people's offending does not only involve the consideration of what may be traditionally considered under a banner of youth justice per se. It also requires consideration of a wider range of policy fields.

There has been discussion in the youth justice literature for some years about when and how to intervene about emergent offending by young people, with discourse of balancing welfare and justice concerns. This has been characterised as a 'cycle of juvenile justice' (Bernard and Kurlychek, 2010). Ideas of diversion have developed in this context of shifting policy and practice approaches. As Newburn and Souhami (2005) suggest,

‘...efforts have been made to achieve the broad aim of “reduction” of youth offending both by attempting to minimise contacts between young people and the criminal justice system (what might broadly be thought of as “diversion”) and by attempting to increase the opportunity for formal intervention (more commonly thought of as “prevention”)...Though elements of both approaches are visible at any one point, by and large these two approaches dominated different periods in youth justice in the UK’ (Newburn and Souhami, 2005: 355-6).

There has been a trend since 2007 that is constructed in the literature as a ‘diversionary’ approach, with the expanding use of out of court disposals for young people. It is important to consider the socio-political context of changes in youth justice policy which has driven this expansion in extra-judicial processes. The emphasis on diversion came about as economic downturn loomed in 2006-2007. Pitts (2001) has previously highlighted, changing tides of policy may be heavily influenced by a socio-political and economic context and thus theory may be pragmatically adopted in support of the zeitgeist of the era. This has been suggested as a contributory factor in the changing tide towards diverting young people from intervention by public services (see Bateman, 2012).

This was adopted around the same time as ‘...a target-driven shift in practice at the gateway to the youth justice system’ (Bateman, 2012: 42-43), with the introduction of the First Time Entrants (FTE) target in 2007. Police and local authorities were now tasked with significantly reducing the number of young people ‘entering’ the youth justice system. Community resolution was introduced so that those receiving such a disposal not recorded in the statistics as being an ‘FTE’. Receiving other out of court disposals does lead to being recorded as a First Time Entrant. It is therefore of considerable interest to understand how this target has influenced practice and services for young people who might previously have

received intervention. The literature surrounding these issues is explored in depth in chapter 1, including related theoretical issues about labelling and other sociological theories of crime. This is balanced with discussion about the risk factor paradigm which has also been influential in youth justice, usually thought of a bound up with interventionist New Labour policy, but which has ongoing influence about the way that need in young people's lives is conceptualised.

Community resolution (CR) was introduced at around the same time as the FTE target. This practice is discussed in greater detail in chapter 1. There is little available data about these disposals because they are not included in mainstream crime figures (see Ministry of Justice, 2010). The small literature which exists suggests that informal disposals have been used increasingly since 2007. Indeed, the Criminal Justice Joint Inspection report (2012) provides data that of the six police forces they inspected that informal resolution had '...increased from 0.5% to 12% of all case disposals between 2008 and 2011' (Criminal Justice Joint Inspection, 2012: 5). There is little other published data about community resolution. Other out of court responses of caution and conditional caution also make up an increasing proportion of all responses, so that fewer 10-17s are processed through the court and youth offending services.

The need for the primary research set out within the thesis is therefore to understand more about how processes are understood in the context of practice which occurs increasingly outside what would traditionally be constructed as the youth justice system. These approaches are based in rationales of labelling theory which is explored in chapter 1, part 2. Indeed, it has been extensively researched that for many young people who commit a one off or short spate of offences that a 'formal' criminal justice response may be unhelpful to moving on to desistance from offending. McAra and McVie (2010) provide a detailed

analysis of the rationale for maximum diversion. There is however subtlety to their research findings which may not be finding their way into policy. This discussion is expanded further throughout the thesis.

### **Introduction to the chapters**

Chapter 1 provides an analysis of the history of diversionary practice in UK youth justice, tracing the origins of the 'cycle of juvenile justice' (Bernard and Kurlychek, 2010) back into the 20<sup>th</sup> century to 2007 when the FTE target was introduced. There is also an exploration of theoretical perspectives in chapter 1 to contextualise the review of the literature. The themes from theory are continued as a conceptual framework throughout the thesis.

In chapter 2 the policy context from 2010 the present day is explored which highlights how a climate of austerity for public services has prevailed from 2010. Diversion as a policy approach has remained strong and it is in this climate that the idea for the primary research was developed. Chapter 2 will also explore tensions in policy of diversion and other policy fields which identify offending in adolescence as an indicator of emerging need. It is highlighted that policy is not always consistent in its messages for practice in young people's services in terms of whether to divert in a very minimalist sense or to intervene in some way in young people's lives.

Then some national examples of diversionary' practice models, such as 'Triage' and 'Youth Justice Liaison and Diversion', are explored and set in a context of localism. These

models may seek to resolve tension of diversion and intervention by supporting decision making about how to respond. The research evidence about these models is explored and thus shapes a context for further primary research into practice models which seek to divert young people from the 'the system'. This then sets a context for the methodology which is set out in chapter 3. Chapter 3 then explains the approach taken to the mixed methods case study that was carried out in one local authority where the researcher works which is known as 'LA1' throughout. It explores the mixed methods approach and how a framework for analysis was developed using Bronfenbrenner's ecological systems (1979) and Bourdieu's 'thinking tools' (see Costa and Murphy, 2015).

Chapters 4 and 5 provide an analysis of the primary data, which included fourteen service user interviews, a staff focus group and some quantitative data about the contact interviewees had with local authority services. Chapter 4 explores how the system that young people have contact with can be understood. Notions of system entry and diversion are considered by applying Bourdieu's 'thinking tools' (Bourdieu and Wacquant, 1992) to the data. The analysis explores services as social fields and discusses what this means for service users who may navigate contact with multiple services. Diversion is highlighted as a range of practices which operates across 'fields'. The field of policing practice emerges as of particular interest where it appears a separate realm of practice exists. Chapter 5 focuses on the social worlds of service users providing considerable qualitative insight into their worlds. This data contextualises the extra-judicial responses they receive. There are practical and conceptual observations that might help to improve preventive response to young people who have offended and who may experience a range of social adversity. Discussion of the conceptual implications is summarised in chapter 6 which suggests that analysis through the lens of 'political ecology' is helpful, which was suggested by France et al (2012) as useful for furthering understanding of young people's relationship with crime. The thesis is concluded

in chapter 7 with an overview of findings in terms of policy and practice and the chapter provides some ideas about how these ideas might be developed by further research.

### **Introduction to the context of the primary research**

It is useful also by way of introduction to understand more about the context of the primary research. The project seeks to explore what diversion looks like in practice and how it is experienced and constructed from the understanding of service users and staff. The project explores a practice model in operation in LA1 during this time period (and still in operation) known as 'Pathways'. These are assessment sessions following a referral by police to young people's services where a young person had admitted guilt for a criminal offence, and police were considering an out of court disposal. A service for young people which was then known as Targeted Youth Support carried out assessments of these young people when a reprimand (later changed to a caution by legislation) was being considered. The young person would be sent to see a 'TYS worker'.

The purpose of this was to discuss the incident so that the worker could 'assess' any need or risk in the young person's life. (The content of these responses is in part the subject of the primary research). The YYS worker then sent a report about the session to the police making a suggestion about which disposal would be most suitable. The options were either a) to recommend a caution or b) to recommend a 'TYS' where the person would agree to some work with the service and lower penalty of community resolution would be recorded against them. Thus the name of the service was adopted as the name of this outcome, although it is important to note, a community resolution was the disposal recorded by the police. This process supported a drive to reduce 'First Time Entrants' to the youth justice

system because when a community resolution (CR) is recorded the young person does not become recorded as being an 'FTE'. Alongside this, Youth Offending Team (YOT) ran similar sessions for people being considered for final warnings which became known as conditional caution, where there would be a statutory requirement would be placed on compliance. The caution or TYS/CR responses were voluntary in nature.

Prior to the development of Targeted Youth Support (the service), in 2011 the local Youth Offending Team (YOT) had carried out similar work. Then subsequently there was a further change in delivery of Pathways and they moved back into the YOT from January 2014.

The options available in terms of disposals during the 2012–2014 period were:

- Community resolution (CR) with no police referral to TYS or YOT (known throughout the thesis as police-only CR).
- Police refer to TYS (pre-Jan 2014) or YOT (post-January 2014) at the point where they are considering a reprimand/caution for what was known as a 'Pathway' assessment. A 'CR' may be recorded if young person agrees to an intervention programme from TYS/YOT. Or a caution may be recorded (with or without a programme). This was reprimand rather than caution pre-dating April 2013.
- Police refer to YOT for a 'Pathway' assessment where police are considering second cautions or conditional cautions. These were final warnings pre-dating April 2013.

The police have discretion to use community resolution (CR) without involving young peoples' services. The Association of Chief Police Officers (2012), known as ACPO (2012),

provides guidance on its use. CR could be recorded as a result of a response by police alone or following the Pathway assessment by TYS or YOT. The approach taken to understanding the practice is set out in chapter 3.

There was, therefore, opportunity to build a case study of practice which would help to address some of the gaps in research of the qualitative perspective of young people about these issues. Also, there was a chance to build insight into the way 'the system' is constructed by staff. Within this study there has also been room to explore community resolution and the operation of responses to young people's offending which is considered to be outside 'the system'. The thesis will present further detail about the context of the use of out of court disposals and will provide a new way of thinking about these responses which will be useful at a practical and conceptual level.



## **Chapter 1 - Literature Review**

### **Introduction to the chapter**

Part 1 of this chapter reviews the literature in relation to the history of responses to young people's offending in the UK pre-2010. The review explains why this is important to understanding the current context in which out of court disposals are being used, setting a context for the primary research.

Part 2 then considers the theoretical perspectives which underlie the discourse in the literature. There is an overview of some of the most significant contributors to thinking in relation to youth justice in the UK context, particularly in relation to diversion and out of court responses for young people.

There is then a discussion in relation to McAra (2012) and her suggestion that 'multi-level' theory is needed to further understanding about young people, offending behaviour and services. In response to this, Bronfenbrenner's ecological systems (1979) and Bourdieu's 'thinking tools' (Bourdieu and Wacquant, 1992) are considered as concepts that are useful to developing this perspective. The work of France et al (2012), who applied the work of both these theorists in an integrated way through the notion of 'political ecology' to understanding young people's relationship with crime, is then explored. This work offers a conceptual framework for the analysis presented within the thesis.

**Part 1 - the literature in relation to the history of responses to young people's offending in the UK pre-2010.**

Early roots of services for young people who offend

In setting the scene for this thesis it is helpful to consider the historic context of responses to offending behaviour of children and young people in the UK, as this helps to frame current discourse surrounding the use of out of court disposals for young people's offending behaviour and the nexus with the provision of services for these children and young people. The review is intended to outline the context of issues of 'welfare' and 'justice' surrounding the 'youth justice system' (YJS) in the England and Wales. The response to offending behaviour by children and young people has been the subject of socio-political interest since Victorian times. Ideas about the welfare of children being a collective social concern emerged during this time, for example in relation to issues such as child labour, industrialisation and urbanisation. Clarke (2002) explains in his 'History of Childhood' that,

'...The idea was spreading that childhood was a period of life in need of protection, where even in the laissez-faire atmosphere of Victorian Britain it was appropriate for the state to intervene (Briggs 1999). This enthusiasm for saving children paralleled a growth in philanthropic and charitable initiatives which laid many of the foundations for the twentieth-century Welfare State...Poor Laws began to focus on the needs of 'lost children' or 'children without childhood' (McClure 1981)...This idea of childhood as a special phase was even more strongly reinforced by the development of compulsory state schooling.' (Clarke, 2002: 9).

These developments are of considerable social significance across many facets of British social life and this has had influence on the development of services for children, young people and families. One of the key areas of interest which has continued since those early roots is discourse about how to respond to young people's offending.

There is a considerable academic literature about the history of the youth justice system (YJS), and notably Pitts (2005) traces the 'recent history' of youth justice in the UK, writing about the establishment of juvenile courts under the Children Act, 1908. This chapter explores the origins of services for young people as we know them today, with the emergence of the idea that there was a need to respond differently to the behaviour of young people than to that of adults. Accounts of this early history have themselves been the subject of academic debate as to whether a narrative of 'a successful humanitarian crusade' (Muncie, 2004: 51) that had been prevalent up to the 1970s, was lacking in awareness about new tendency to categorise certain aspects of childhood, or adolescence, in terms of deviancy and that this may 'allow the state to intervene directly into any element of working class life that was deemed immoral or unruly...' (Muncie, 2004: 76).

Pitts (2003) also describes the socio-political context of developments of 'child-centred' youth justice policies. He explains that '...the Children and Young Person's Act 1933 established the principle that young offenders should be dealt with in ways that promoted their "welfare" and that any necessary "treatment" should be available to them...' (Pitts, 2003: 76) but that this welfarist tone had been changed by the time the white paper became an act of parliament. The detail of this will not be fully expanded upon here, but rather this is included to illustrate the early rumblings of the welfare versus justice debate which Bernard and Kurlychek (2010) have explained can be understood as part of a 'Cycle of Juvenile Justice' which they describe as 'a cyclical pattern in juvenile justice in which the same

sequence of policies has been repeated over three times in the last two hundred years.’  
(Bernard and Kurlychek, 2010: 3).

The debate about whether to respond to offending behaviour of individuals in terms of the welfare needs of the young people involved or whether to respond from a perspective that may be considered compatible with justice, about the harms caused by crime, can be detected. The justice perspective can be seen as being grounded in a classical or rationale choice perspective. This suggests proportionate punishment should take place based on the ideas of Bentham (1791) which are explained in Hale et al, 2005). There may also be a rehabilitative aspect of many justice based models which are conceptualised through ideas of deterrence, individual responsibility and in some sense making good for harm (which relates to notions of ‘restorative justice’ which is discussed more later in this chapter).

Related to a social welfare perspective, intervention by those employed by the state to intervene at the level of the individual, or indeed the family, has at times been regarded as the solution to young people’s behaviour which may be viewed as problematic, including offending. This could be said of the period surrounding the Children and Young Persons Act 1969. However, an unexpected consequence of this interventionist turn has now been suggested as bringing about a ‘widening net’ of initiatives to prevent young people’s involvement in offending behavior. For example ‘Intermediate Treatment’ as it became known was one scheme which offered support to young offenders or those deemed to be likely to offend by virtue of their social situation (not to be confused with the IT of the 1980s which was a different adoption of the term). ‘By 1977, an estimated 12,000 children and young people were involved in Intermediate Treatment, of whom only about 1500 were adjudicated offenders. At the same time the police had established specialist Juvenile

Bureaux...between 1965 and 1977 the numbers of 10-17 year olds cautioned by the police...rose from 3062 to 111,922 ' (Pitts, 2003: 78 - 79).

This represented a considerable expansion of the system to offer public services to young people who, although not convicted of an offence, were deemed to be in need of intervention. Also, it is interesting to consider the structure of services at the time when those in social care were also those in juvenile justice. Welfare and justice were viewed as closely knitted together and services were structured accordingly with social workers leading on the provision of IT. The period also saw a rise in the numbers of young people going to court and custody levels rose; it appears that an unintended consequence of this attempt to respond to early and emergent offending by public services aimed at addressing welfare needs actually led to an escalator affect where by more young people tended to become perpetually involved in crime and in the services that were intended to help them.

Towards the end of the 1970s, the idea that children and young people being in contact with a system of 'Juvenile Justice' might in fact be harmful came into academic discourse. This was set in a wider context of theory which was increasingly concerned with considering the social construction of crime and deviance (with greater interest in 'labeling' and 'conflict' perspectives as discussed by Lilly et al, 2007). These ideas were not new and had been rumbling in sociological branches of criminology since the 1930s, certainly since the 1950s, but the socio-political context arguably saw the adoption of these ideas into policy. This is further explored in part 2 below where theoretical perspectives relevant to this thesis will be further considered.

### **1980s – mid-1990s**

Marlow and Pitts (1998) explain, 'It was in 1979 that the issue of law and order was dragged to the centre of the political stage in the UK.' (Marlow and Pitts, 1998: 1). Although despite the law and order rhetoric of the 1979 election (see Pitts 2001) the dominant paradigm in youth justice in Thatcher years saw the development of 'progressive minimalism' that came into favour in the early 1980s, based on notions of radical non-intervention (Schur, 1973). Pitts (2003) explains that there had been an 'unregulated expansion' of the YJS in the 1970s and 'government spending was perceived as spiralling out of control' (Pitts, 2003: 79). Thus a drive to reduce the numbers of people being processed through criminal justice agencies ensued.

Newburn and Souhami explain,

'Diversion emerged as a dominant strategy in youth justice policy and practice in England and Wales in the 1980s...' 'It is recognised both in theory and in practice that delay in the entry of a young person into the formal criminal justice system may help to prevent his entry into that system altogether' (Home Office, 1985).' (Newburn and Souhami, 2005: 356).

Theoretical paradigms which supported such 'diversionary' action were arguably pragmatically adopted. Of course there are some very sound arguments for reducing unnecessary and overly harsh or 'formal' responses to children and young people when they commit a criminal act, as Muncie (2009) explains in some depth there is a considerable concern about overly punitive and regulatory responses in youth justice. Also Byrne and

Brooks (2015) highlight a wider context of policy which may have affected developments in UK policy approaches in the 1980s and early 1990s. They explain,

‘A reasonable starting point for a discussion on the key principles that should be at the heart of our response to children who offend are the internationally accepted standards for youth justice, set out in the United Nations Riyadh Guidelines (1990) and Beijing Rules (1985) and underpinned by the United Nations Convention on the Rights of the Child (1989). These assert and advocate the use of discretion and diversion wherever possible and at all stages of dealing with young people accused of offences...and that “in the predominant opinion of experts, labelling a young person as ‘delinquent’ or even ‘pre-delinquent’ often contributes to the development of a consistent pattern of undesirable behaviour by young persons” (Riyadh 1990).’ (Byrne and Brooks, 2015: 6 - 7).

Alongside a policy of diverting young people from Juvenile courts, Bateman (2012) highlights policing practice at the time which is relevant for contextualising the current context in terms of the use of community resolution and cautions and how their use is either constructed as being either inside or outside of the system. ‘During the 1980s, disposing of youth offending by way of police caution became increasingly prevalent, leading to a higher ratio of cautions to convictions. As a proportion of substantive disposals pre-court diversion accounted for less than half in 1980 but more than three-quarters in 1990 (Allen, 1991)’ (Bateman, 2012: 40) This kind of disposal could be carried out by the police alone, often without the involvement of services for young people. Although it must be noted that at this stage early ‘diversionary’ practice models began to emerge, as Pitts (2006) explains, ‘...the numbers of children and young people entering Juvenile Courts during this period was

reduced dramatically by multi-agency “diversion panels”... Northamptonshire Diversion Scheme...was at the forefront of these developments.’ (Pitts, 2006: 6).

Indeed, as Kemp et al (2002) explain, ‘Northamptonshire’s multi-agency approach to youth offending has been evolving for some twenty years, beginning in 1981 with the formation of the Wellingborough and then Corby Juvenile Liaison Bureaux (JLB) and continuing with the creation of the Northampton JLB in 1984. The pre-court practice was extended to cover adults with the formation of the Adult Reparation Bureau (ARB) in the late 1980s, and a review of the county’s diversionary policies and practices in 1993 led to the juvenile and adult teams being merged to form the county’s Diversion Unit.’ (Kemp et al, 2002: 5).

There was significant work on victim awareness such as the Islington Crime Survey (Jones, McLean and Young, 1986) in the UK, which related to broadening approaches to understanding unreported crime and experiences of victimisation. This in turn contributed to the development of restorative justice which formed part of the work of practice models such as the Northamptonshire Diversion Unit. Also notably practices which have influenced children’s social care in the UK, ‘family group restorative conferences’ which Hoyle and Zedner (2007) explain were first introduced into a statutory framework in New Zealand in 1989 and they explain this influenced UK policing practice. ‘This was later introduced to the UK, via Thames Valley Police restorative cautioning scheme, and has since been influential in informing some restorative practices in the youth justice system’ (Hoyle and Zedner, 2007: 483). Thus the period has been broadly characterised by a minimalist approach which looked to reduce state intervention in terms of responses to young people’s offending behaviour.



### **1990s to 2007**

However the tide then turned again towards a far more interventionist approach following well-documented high profile cases in the early 1990s, especially the killing of James Bulger (see Cohen, 2002, re. 'Moral Panics') and rising youth custody rates from 1993, it has been suggested that there was a process of 'politicisation' of youth justice (Pitts 2003). 'Left realism' (Young and Mathews, 1992) emerged as a concept which Blair adopted in the 'third way' (see Giddens, 1999), which would be 'tough on crime, tough on the causes of crime' (Blair, 1997). This represented an expression of a recognition that both individual responsibility and social issues and structural inequality were important to consider when attempting to address crime.

In youth justice the direct implications for policy was that of greater intervention. 'No more excuses: A new approach to tackling youth crime in England and Wales' (Home Office, 1997) introduced 'a new focus on nipping crime in the bud - stopping children at risk from getting involved in crime and preventing early criminal behaviour from escalating into persistent or serious offending.' (Home Office, 1997). At this time the Offences Brought to Justice Target (OBTJ) was introduced to address what was termed, 'The justice gap – the difference between the number of crimes which are recorded and the number which result in their perpetrator being brought to justice is the key measure of the effectiveness of the criminal justice system, and a crucial indicator of success in reducing crime. This is why the Government has set a new target to bring 1.2 million offences to justice by 2005-06.' (Crown Prosecution Service, 2002).

Highly significant reform of the YJS was introduced under, 'The 1998 Crime & Disorder Act, which created that system sets out at Section 37: "the principal aim of the

youth justice system (as) the prevention of offending by children and young persons” (Smyth, 2010: 35). This fundamentally changed the structure of the system, setting out the structure of multi-disciplinary Youth Offending Teams (YOTs) and the introduction of a new tiered outcomes framework, starting at reprimand, then final warning and then on to Referral Orders and then more formal community or custodial sentences. Notably the act also abolished ‘doli incapax’, leading to commentary about an erosion of children’s rights due to the legislation. Muncie (2009) explains, ‘The abolition of doli incapax removes an important principle which...had acted to protect children from the full rigour of the criminal law.” (Muncie, 2009: 252).

Taylor (2016) highlights developments during this period and explains that,

‘The creation of YOTs coincided with a target-driven approach to policing, including a government aim to increase the number of offences brought to justice. The combination of this target and increased confidence in the ability of the youth justice system to take effective action with children who offend, led to the number of children being cautioned or convicted rising by 25% between 2000/01 and 2006/2007...Children seem to have been disproportionately affected by these targets as their offending is often easy to detect...By 2008 the number of children in youth custody stood at around 3000’ (Taylor, 2016; 17).

Pitts (2006) highlights the shift in the dominant paradigm influencing policy and practice at this time as contracting with notions of progressive minimalism so that ‘...the guiding precept of the 1998 *Act* is that early exposure to the youth justice system is likely to have long-term deterrent and rehabilitative effects.’ (Pitts, 2006: 2). To further explore the diversionary paradigms inherent in policy, Blair’s ‘tough on crime’ mantra can be interpreted

as an attempt to suggest both welfare and justice were compatible. This represented an interventionist turn at the level of the individual and family which led to the expansion in the use of court orders for young people's offending which would be supervised by YOTs in the name of addressing both 'welfare' needs and to provide a sense of the application of 'justice'.

It also led to the expansion of pre-court intervention for people who were deemed to be 'at risk' of offending. As Newburn and Souhami (2005) explain that during this period, 'efforts have been made to achieve the broad aim of "reduction" of youth offending both by attempting to minimise contacts between young people and the criminal justice system (what might broadly be thought of as "diversion") and by attempting to increase the opportunity for formal intervention (more commonly thought of as "prevention").' (Newburn and Souhami, 2005: 355).

At the time the FTE target did not exist; reprimands and final warnings were designed as opportunities to divert from court and could potentially be framed as designed to reduce overly formal responses, whilst balancing a need for screening and intervention with vulnerable young people. No referral had to be made to YOTs for a reprimand to be given and a final warning involved the idea of being referred to a preventive service. Hoyle and Zedner (2007) suggest that the final warning scheme was developed as extension of developments in restorative justice practices that had been adopted in UK policing from the 1980s. Also, as a point of interest the referral order (usually the first community order used by courts) involved, and still involves, referral to a young people's panel to consider preventive help and after the date the order ends the conviction is considered spent (except for roles exempt from the Rehabilitation of Offenders Act, 1974). As Byrne and Brooks (2015) explain,

'The introduction of restorative justice (RJ) into youth justice practice has not been without criticism and indeed its application in the narrow confines of the "new youth justice" can be seen as a further extension of the responsabilising drive, with this time the victim, rather than the state, inflicting punishment upon the young person who has transgressed (Acorn 2004, Muncie 2001 and 2006).' (Byrne and Brooks, 2015: 10).

The suggestion by Pitts (2006) is that the location of restorative justice services either within or outside 'the system' that may support the success or otherwise in terms of acting as a process which encourages contemplation and desistance. The article suggests that making RJ part of an order and part of the work of a youth offending service and thus part of a formal penal response reduces the chance that it will be genuinely engaged with and be effective.

Indeed, the wider policy context of the new 'YJS' was a dominant drive in youth justice practice to seek to intervene to address 'risk', identified in lives of young people who offend which became known as the 'risk factor paradigm' (see Farrington 2007), grounded in the Cambridge Study of Delinquent Development (see Farrington and West, 1990).

As Farrington (2007) explains 'Risk factors are prior factors that increase the risk of occurrence of the onset, frequency, persistence, or duration of offending (Kazdin et al., 1997). Longitudinal data are required to establish the ordering of risk factors and criminal career features.' (Farrington, 2007: 605.) This theory had major impact on the practice of newly created 'YOTs', whose practice developed based on notions of risk focused prevention, based on 'Asset' ('The assessment process is designed to find out the risk and protective factors playing a part in a young person's offending' YJB, 2014a) and 'Onset',

(‘Onset helps to identify the risk and protective factors that affect a young person’s chances of entering the youth justice system.’, YJB, 2014b), both of which have been withdrawn from the ‘gov.uk’ website in August 2017.

The academic discourse has documented concern about ‘managerialist’ approaches to providing services, which Feeley and Simon (1992) recognised as emerging as early as 1992, in their work the ‘new penology’. As Farrington (2007) explains the policy implications were various schemes to address risk factors; examples include ‘skills training’, ‘parent training’ and ‘pre-school programmes’. However, the RFA model was criticised by academics as over-prescriptive and lacking in research evidence of clear causality (see Pitts, 2007). France et al (2012) suggests that during this period ‘youth justice has individualised intolerance by decoupling youth crime from its social context...’ (France et al, 2012: 2). This is explored further when exploring theory relevant to this thesis in part 2 of this review.

It is widely noted in the literature that there were significant trends during the period in terms of the expanding use of court orders and as ‘up-tariffing’ occurred and youth custody rates rose significantly (Bateman, 2012). The expanding use of custody for young people is surely an undesirable effect of an expansion in the use of court orders and the kind of escalator effect which seemed to occur. The benefits and concerns about various community penalties are not expanded upon here to maintain focus on extra-judicial processes which this project is about.

In terms of concerns about ‘widening nets’ it is also important to mention that ‘Anti-social behaviour’ also emerged as a key policy paradigm during the New Labour years. The notion of ‘pluralisation’ came about under a ‘community safety’ banner. The same legislation

that created YOTs also created Crime and Disorder Reduction Partnerships (CDRPs) and Anti-Social Behaviour Orders (ASBOs) which included policies of name and shame for young people deemed to be 'anti-social' without the criminal burden of proof (see Crawford, 2007). In terms of practice 'youth crime prevention' programmes expanded considerably to work with both criminal and 'anti-social' children, framed by a culture of developmental risk-focused prevention discussed above (see Farrington, 2007).

The academic discourse at the time began to express concern about the net-widening of the YJS under New Labour which included increases in the numbers being worked with by YOTs and expansion of the number of young people in custodial settings. For example Nacro highlighted concern that the effect of the Offences Brought to Justice Target on youth justice was to promote "...a greater use of formal responses to children's behaviour that would previously have been dealt with outside of the youth justice system" (Nacro, 2008: 6) (which) has been well documented elsewhere (see e.g. Bateman, 2008)' (Smyth, 2010: 33). Concerns emerged that particular social groups could be more likely to be targeted for behaviour change than others. This was largely thought to be linked to lower socio-economic status, race and gender, which has potential interest for ensuring equality of opportunity in young people's service provision. Muncie (2009) related this to the work of Stan Cohen, with concern that 'folk devils' may be created and fear of young people as criminals and potential 'moral panics' can be generated (see Cohen, 2002).

It is important to mention the research literature that was emerging at this point that supported 'diversion' once again. A significant piece of research that has had influence is 'The Edinburgh Study'. Indeed, the Edinburgh Study of Youth Transitions and Crime (McAra and McVie, 2007/2010) has been a major contributor to the field of understanding offending pathways and common risks that may exist in the lives of young people. The Edinburgh

Study is a longitudinal research programme involving 4,300 young people in a mixed methods approach to understanding when young people start and cease offending, the types of offences they commit and how offending behaviour may be co-morbid with other issues in their lives. McAra and McVie (2010) explain,

‘Drawing on data from over ten years of fieldwork, we highlight four key “facts” about youth crime which any system of youth justice “ought to fit”:

- (i) persistent serious offending is associated with victimisation and social adversity;
- (ii) early identification of at-risk children is not a water-tight process and may be iatrogenic;
- (iii) critical moments in the early teenage years are key to pathways out of offending;  
and
- (iv) diversionary strategies facilitate the desistence process.

On the basis of these facts we argue that the key challenge facing policymakers and practitioners is to develop a youth justice policy which is holistic in orientation (with interventions being proportionate to need) but which also maximises diversion from criminal justice’ (McAra and McVie, 2010: 1).

The Edinburgh Study has been recognised as providing a major contribution to the field of understanding ideas of diversion. Notably McAra (2012) explains that they used a mixed method which included,

‘...questionnaires completed by cohort members...; school records and files on individual cohort members held by the local authority social work department,

children's hearings systems (the formal youth justice system in Scotland) and the police... semi structured interviews with a sub-sample of 30 young offenders during sweep two (twelve girls and eighteen boys, selected to include high and low volume offenders); and a survey of parents in sweep three...' (McAra: 2012: 2).

This is of interest in methodological terms (further explored in chapter 3). It is also important in the way that it suggests the need for understanding young people's contact with social care as well as youth justice in order to understand 'the system'; yet the way 'the system' is constructed in youth justice policy does not account for contact with children's social care.

The authors have won various awards including from the Home Office, The Howard League for Penal Reform Research Medal and accolades from the University of Edinburgh including a Chancellor's award for 'impact' in 2016. The significance attributed to the study is also evident in its adoption by Taylor (2016) in his review of the YJS for HM Government refers to the study as a way to explain the benefits of diversion, 'Evidence suggests that contact with the justice system can have a tainting effect on children – i.e. it makes them more, rather than less, likely to reoffend.' (Taylor, 2016: 17). This illustrates how the findings from the study have been adopted.

Whilst the tone of the Edinburgh Study proposed the need for a balanced approach to welfare and justice considerations, its application in policy and practice may not have carried forward the complexities of the argument. There is an arguable tendency for policy to carry forwards implications that contact with services should be lessened to reduce criminogenic effects, but without sufficiently noting the importance placed on the relationship of complex social and personal need with certain types of offending. The research was adopted by the



Home Office at a time of austerity being implemented. This was also concurrent with the introduction of the FTE target and community resolution. The theoretical analysis of the study will be further explored in part 2 of this chapter.

The Edinburgh Study left some key things open to interpretation, for example what do 'diversionary strategies' the researchers had proposed actually look like, as well as exploration as to what makes an intervention either 'iatrogenic' or successfully preventative; how can services be structured to respond at 'critical moments' and whether current diversionary approaches support adequately responsive services. There is therefore a gap for the qualitative exploration of those in contact with such services to contribute to knowledge and understanding of practice and to further develop a conceptual framework of what is taking place in the real world.

### **2007- 2010**

To continue consideration of the socio-political context, Bateman (2012) highlights, 'Diversion figures from 2007 onwards are, however, skewed as the consequence of a new government target requiring a reduction in the number of "first time entrants" (FTEs) to the youth justice system. Originally introduced as an indicator by the YJB in 2006, the target was formally adopted by the government in the *Youth Crime Action Plan* in July 2008. Remarkably, the latter was met within twelve months, though the decline in FTEs had already commenced a year earlier in response to the Board's initiative.' (Bateman, 2009). Recent guidance explains, 'A FTE is an offender who has received their first reprimand, warning, caution or conviction for an offence processed by a police force in England or

Wales or by the British Transport Police. Other sanctions given by the police are not counted...' (YJB/MoJ, 2016: 25).

It is interesting to note that this was the point at which policy was framed where the 'gateway' to the system sat. The target now defined receipt of reprimand or final warning as the person having 'entered the system', yet it was discussed earlier that people receiving reprimands would not necessarily see anyone at YOT and those receiving final warning may be given a short (arguably diversionary) response to address need. This is a point with significance for understanding the current context of the use of out of court disposals. The helpfulness of the notion that certain disposals may be within or outside the system can be questioned.

It was after the introduction of the FTE target that people receiving reprimand and final warning became classed as 'FTEs'. There is a small literature, notably Bateman (2012) and also Smyth (2010) who have written critically about the adoption of the FTE target. Smyth (2010) highlights policy suggesting that there was some way to profile who might be more likely to become an FTE and who might not. 'Target-setting seems to give rise to an internal logic all of its own. The identification through the target of cohorts of FTEs appears to have led the Youth Justice Board (YJB) to envisage them, as it were, as a discrete group with discrete characteristics, capable of being identified and picked off' (Smyth, 2010). He found that there was no 'holy grail' in terms of who would become a 'young offender' and who would never have a detected offence. The notion of responsive services which could offer services at 'critical moments' appears somewhat lost, or at least localised. There are, therefore, interesting questions about how these shifts in approach have influenced practice with young people and families.

Taylor (2016) suggests that,

‘The ease with which a trend established over many years was suddenly reversed demonstrates how powerful the pursuit of targets can be in driving behaviour, which can easily lose sight of the public interest in individual cases...‘The substantial and continuing reductions in first-time entrants to the youth justice system since then also highlight just how many children were unnecessarily dragged into the system during this period.’ (Taylor, 2016: 17).

A highly significant development alongside this shift in approach towards a diversionary policy approach was the introduction of new police-led disposals of informal resolution, often known as community resolution (CR). Receiving a CR rather than a caution meant a person was not recorded as being an ‘FTE’. This therefore created a new area of practice in policing, but one which may be more akin the 1980s cautioning scheme which police had delivered. There was no national guidance published until Association of Chief Police Officers (2012) (known as ACPO, 2012) about their use. There is also a lack of guidance about the nexus of the use of these disposals with interventions to offer help and address need.

One of the most significant sources of information about CR is a 2012 report by the Criminal Justice Joint Inspection (2012) ‘Facing Up To Offending: Use of restorative justice in the criminal justice system’ (known as CJI, 2012) which highlights localised practices involving the use of ‘on street level’ restorative justice to resolve incidents of criminal behaviour. The document describes the practice involved, where police carry out stand-alone measures, usually on the street with no involvement from young people’s services to resolve offending. The introduction of informal resolution happened in 2008 with the piloting of the ‘Youth Restorative Disposal’ (YRD) by eight forces. The report highlights ‘...a wide

variety of names for these schemes, including restorative disposals, restorative justice, informal resolutions, restorative resolutions, community resolution disposal, local resolutions, instant restorative justice, police resolutions, neighbourhood resolutions, extending professional judgement, and street resolutions.’ (Criminal Justice Joint Inspection, 2012: 15-16).

There has been considerable controversy about the disposals, as well as praise for their pragmatic usefulness which is explored further in the chapter 2 in terms of the current post-2010 policy context. There is certainly a lack of clarity highlighted in the literature about the practice surrounding them and a notable absence of quantitative data on CR in mainstream crime figures. It is therefore relevant to ask whether welfare or justice are being particularly well served by policies of ‘maximum diversion’ which may or may not interpret the subtleties of messages from research, for example how and when to intervene at ‘critical moments’ (McAra and McVie, 2010.). The ‘Review of the Youth Justice System’ by Taylor (2016) will be explored in chapter 2 which recognises a need for greater clarity and consistency in the applications of out of court disposals, including community resolution.

## **Part 2 - Theoretical perspectives informing this thesis**

### **Introduction to the theory context**

Inherent in the discourse of balancing ‘welfare’ and ‘justice’ as responses to young people’s offending are different theoretical underpinnings. Pitts (2006) has highlighted that theory tends to be pragmatically adopted by policy-makers depending on the socio-political

climate of the day. In the literature review above and in the policy discussed in chapter 2, there are several important paradigms which emerge as particularly relevant to understanding the context of this thesis. This section of the literature review summarises some of the key concepts that are important for understanding the rationale of policy and practice in responding to adolescent offending.

The breadth of thinking around the causes of and responses to offending behaviour are enormous. This is particularly so in terms of 'youth offending' where debates also overlap with considerations about childhood and adolescence (see Newburn, 2007). The criminological theory literature, developing in the late 19<sup>th</sup> and early 20<sup>th</sup> century, tended to support either a 'positivist' perspective which Lilly et al (2007) say is characterised by its '...search for empirical facts to confirm the idea that crime was determined by multiple factors' (Lilly et al, 2007: 17), or that of a classicist perspective which broadly suggested ideas of rationale choice, 'free will and hedonism of the individual criminal' (Lilly et al, 2007: 17). Both these broad theoretical trends focused on individuals as key to understanding criminality.

However, later on in the 20<sup>th</sup> century criminological theory developed perspective about criminology through a sociological lens. There is a comprehensive literature which sets out the various perspectives that developed, which includes Harralambos and Holborn (2013) and Lilly et al (2007). This broad set of sociologically based concepts include arguments that crime is a product of social inequality and a tension of between goals and attainment, such as Merton (1968) who proposed the notion of 'anomie'. Others developed subcultural theories, such as Cohen (1955) who introduced the notion of 'cultural deprivation' which led to experiences of 'status frustration'. Others related crime and deviance to social space and social ecology (Chicago School) and others saw crime as a product of social

conflict (radical criminologists). Also control theories emerged which looked at what stopped people offending, rather than what caused offending behaviour. This group of theories includes the work of Hirschi (1969) about social bonds. Downes and Rock (2007) explain that 'Hirschi states that the common property of control theories at their simplest level is their assumption that "delinquent acts result when an individual's bond to society is weak or broken". But what are the elements to the social bond? He specifies four elements: attachment, commitment, involvement and belief...' (Downes and Rock, 2007: 204). This will be referred to later in the analysis of the data.

### **Labelling – a theoretical perspective often associated with diversion**

One of the most significant theories that influenced the policy and practice of extra-judicial responses to young people's offending, including the use of out of court disposals, is labelling theory. McLaughlin and Muncie (2001) define labelling as,

'A sociological approach to understanding crime and deviancy which refers to the social processes through which certain individuals and groups classify and categorise the behaviour of others. On this basis labelled individuals are stereotyped to act in certain ways and are responded to accordingly. Such reaction tends to reinforce a self-conception as deviant and has the unintended consequence of promoting the behaviour that it is designed to prevent.'

(McLaughlin and Muncie, 2001: 159).

Labelling theory can be considered as part of a group of theories known under the banner of 'symbolic interactionism', a psychological perspective pioneered by Mead (1934) where 'symbols' are given meaning through a process of human interaction and attributed meaning. The work of Lemert (1972) provided a major contribution to the development of labelling theory with his notions of primary and secondary deviance. Lemert proposed that it was the label society imposed on particular acts and events that defined them as 'deviant' and thus how people came to be understood as criminal.

Becker (1963) also made a highly significant contribution to this field of thought through his research into marijuana use and his consideration of how people come to be considered as 'deviant'. Harralambos and Holborn (2007) explain that his '...approach stressed the importance of the public identification of a deviant' (Harralambos and Holborn, 2007: 363). Becker made important observations about social reaction to particular behaviours which might then be 'labelled', developing what may be considered more of a sociological perspective about the 'construction' of crime through the interaction of individual behaviour and social reaction. The work of Young (1971) about marijuana use and policing responses also supported this perspective.

Lilly et al (2007) explain that,

'...labelling theorists revealed that the nature of state criminal intervention was not simply a matter of an objective response to illegal behaviour but rather was shaped intimately by a range of extra-legal contingencies (Cullen and Cullen, 1978)...criminal justice decision making was influenced by individual characteristics such as race, class and gender...rates of labelling vary according

to the resources available to and the political demands placed on the police and other criminal justice organisations.’ (Lilly et al, 2007: 126- 127).

This point stands out as of particular interest when considering the analysis above and continued in chapter 2 around the significance of socio-political context in the use of out of court disposals in the name of ‘diversion’.

These ideas have been discussed and extended in various ways since the 1960s. Indeed, the work of Cicourel (1976) as described in Harralambos and Holborn (2013) suggests,

‘The process of defining a young person as a delinquent is not simple, clear-cut and unproblematic. It is complex involving a series of interactions based on sets of meanings held by the participants. These meanings can be modified during the interaction, so each stage in the process is negotiable. The first stage is the decision by the police to stop and interrogate an individual...Such meanings are related to particular geographical areas...the picture held by the police of the “typical delinquent”...Once arrested, the young person is handed over to a juvenile officer...who also has a picture of the “typical delinquent”. If the suspect’s background corresponds to this picture, she or he is more likely to be charged with an offence...’ (Harralambos and Holborn, 2013: 367).

Such concepts will be developed below with development of an ecological understanding of how young people experience criminal justice responses.

In terms of the influential nature of labelling theory on social policy Harralambos and



Holborn (2013) explain that,

‘Stephen Jones (2009) reviewed the policy implications of interactionist and labelling theories. He argues that these theories have two main implications. First, they suggest that as many types of behaviour as possible should be decriminalised. Second, they imply that, when the law has to intervene, it should try to avoid giving people a self-concept in which they view themselves as criminals...the main impact of such thinking has probably been on juvenile justice. Jones suggests there have been rather inconsistent policies in this area, but there have been some attempts to avoid stigmatising young offenders. For example, there have been attempts to use cautions rather than prosecutions for young offenders.’ (Harralambos and Holborn; 2013: 364).

As Newburn and Souhami (2005) explain diversion in youth justice is,

‘Theoretically grounded in labelling perspectives (e.g. Becker 1963; Lemert 1970) and informed by arguments that offending by young people is relatively “normal” and, if left alone, young people would “grow out” of crime (e.g. Rutherford 1986), it was held that not only did state intervention not prevent reoffending, it had the potential to reinforce patterns of offending through the establishment of delinquent identities.’ (Newburn and Souhami, 2005: 356).

Indeed, labelling theory has not been without its critics. Pitts (2006) provides a clear overview of these issues. Other texts which outline these criticisms include the work of McLaughlin and Muncie (2001) who explain, ‘A number of radical authors have subsequently

argued that the logic of labelling is limited when employed without any analysis of the social and political structures and inequalities in which such labels are constructed' (McLaughlin and Muncie, 2001:160). Taylor, Walton and Young (1973) said that there was a need to 'lay bare the structural inequalities in power and interest.' (Lilly et al, 2007: 131). Harralambos and Holborn (2013) highlight that Taylor, Walton and Young (1973) suggested a 'social theory of deviance' which includes discussion of labelling theory but suggests deviants may not accept the labels. Furthermore, McLaughlin and Muncie (2001) set out other critiques which include, '...the lack of serious attention that labelling gives to primary deviance...In addition...the multiple sources of and differential impacts of a range of negative labels are likely far more complex than that offered by the labelling perspective of the 1960s.' (McLaughlin and Muncie, 2001:160).

### **Social context and labelling processes**

Also, as well as these arguments are those ideas that propose the need for a greater understanding of social context. For example, 'Braithwaite (1989) extended labelling theory not only by delineating types of shaming or societal reaction but also by observing that the underlying social context determines the degree to which shaming will be reintegrative or disintegrative.' (Lilly et al, 2007: 140). His book 'Crime, shame and reintegration' made a significant contribution to understanding more about the complex contextual nature of 'labelling' as a social process.

Braithwaite (1989) suggested,

'Crime is not a unidimensional construct. For this reason one should not be overly optimistic about a general theory which sets out to explain all types of crime. In fact, until fairly recently, I was as pessimistic about such an endeavour as to regard it as misguided. Clearly, the kinds of variables required to explain a phenomenon like rape are very different from those necessary to an explanation of embezzlement. Equally clearly, there is a long tradition of purportedly general theorizing in criminology which in fact offers explanations of male criminality to the exclusion of female crime by focusing totally on male socialization experiences as explanatory variables. Other theories focus on big city crime to the exclusion of small town and rural crime by alighting upon urban environment as an explanation; others explain juvenile but not adult crime, or neglect the need to explain white collar crime.' (Braithwaite, 1989: 1).

Hoyle and Zedner (2007) explain that Braithwaite published his book on 'reintegrative shaming' the same year as restorative conferencing was being introduced into statute in New Zealand which they say had significant influence on the expansion of police-led restorative approaches known as 'waga-waga' which they suggest then had significant influence on diversionary cautioning schemes that police adopted the UK. They explain therefore that restorative justice grew up from practical roots rather than a theoretical standpoint but that Braithwaite's work was influential on its adoption into youth justice practice.

The work of Sherman is also interesting in the development of a conceptual framework which led to the search for a more contextual understanding of youth justice responses that set out to 'divert' people from formal systems. Sherman and Smith (1992) published findings from research about domestic abuse incidents and suggested that the

impact of being arrested was affected by the employment status of the arrestee. Also, 'Sherman (1993) began with the observation that labelling theory "does not account for the many examples of sanctions reducing crime" (p.457)' (Lilly et al, 2007: 141). He also realised that there are also examples in which sanctions increase crime. He proposed that social and economic context impacted on how such processes might work. Sherman observed that the degree to which a sanction is effective at promoting desistance may be dependent the level of 'defiance' that produced.

Sherman (1993) proposed that there is,

'...great diversity in the effects of the criminal sanction. Legal punishment either reduces, increases, or has no effect on future crimes, depending on the type of offenders, offenses, social settings, and levels of analysis. A theory of "defiance" helps explain the conditions under which punishment increases crime. Procedural justice (fairness or legitimacy) of experienced punishment is essential for the acknowledgment of shame, which conditions deterrence; punishment perceived as unjust can lead to unacknowledged shame and defiant pride that increases future crime. Both 'specific' defiance by individuals and 'general' defiance by collectivities results from punishment perceived as unfair or excessive, unless deterrent effects counterbalance defiance and render the net effect of sanctions irrelevant.'

(Sherman, 1993).

These ideas will be useful to consider again with the data in chapter 5, where it is suggested that the level of defiance relates to the wider social context in which any diversionary or labelling process occurs. It is possible to consider how social context affects how much preventive or deterrent effect an intervention may have.

It is possible to draw the inference that the interpretation of 'labelling theory' in youth justice policy to justify very minimal responses to young people's offending behaviour is a significant over-simplification of the theory. This over-simplification may be a pragmatic response to socio-political climates.

### **Developmental Criminology and Life Course Perspectives**

In terms of theory that was mentioned in the literature review above, it is important to give some space to mention developmental criminology and life course perspectives because of the influence these ideas have had on youth justice policy and practice. There has been significant longitudinal research such as the work of Sampson and Laub (1993) that has explored life course perspectives about crime and deviance. There is a focus in this work on understanding key turning points and influences which tended to facilitate desistance from a variety of behaviours that may be deemed criminal but thought likely to be related to adolescence as a developmental phase. This theoretical approach is explored further by Smith (2007). The research also broadly supports a notion that personal and social context is relevant for understanding the process by which people stop offending, such as finding employment or entering long term personal relationships.

A further major perspective, related to life course criminology but bound up with interventionist policy and practice approaches, is developmental criminology. This was mentioned in the literature as influential in New Labour policy to address 'risk' in the lives of young people. This is related to the 'risk factor paradigm' and related notions of managerialist youth justice which were described in part 1 of this chapter. Longitudinal work

from the Cambridge Study in Delinquent Development which is published in various articles and chapters by Farrington and West (1990) supported the theory that factors in childhood indicate a likelihood of offending in teenage years. The development of 'risk-focused prevention' (Farrington 2007) has made major contributions to changes in how the present youth justice system operates with an actuarial model now accepted into assessing risk. This has been referred to as 'The New Penology' (Feeley and Simon, 1992) and has faced criticisms over 'net widening' and 'labelling' (Muncie, 2009). France (2015) has also said,

'While RFA is having a significant impact in the policy arena it has a limited understanding of the broader social and ecological context that is fundamental to young people's relationships with crime. RFA tends to see the political and cultural spheres of life as distal factors having limited influence in contextualising young people's offending (France et al, 2012).' (France, 2015: 76).

As discussed in part 1 of the literature review, RFA tends to be associated with the New Labour policy and a 'widening-net' of youth justice. There has been widespread academic criticism of this approach as overly prescriptive and caught up with a tendency to label young people as 'risky' and 'at risk' sometimes before proven offences had even been committed. It is important to consider that the idea that risk-factor based approaches are related to some approaches to 'diversion', as discussed in relation to New Labour's youth justice policy. Examples of practice models that attempt to balance diversion from prosecution and intervention to address risk are discussed in chapter 2.

## **Multi-level theories**

Therefore there have been theories which suggest criminality as being rooted with individuals and other theories which locate the cause of offending as within social contexts. There is also theory that suggests offending may be amplified by the interaction of people with social processes where they may be labelled as 'deviant'. In developing this research project, the ideas suggested by McAra (2012) have been significant. McAra (2012) suggested, 'the premise that new theories of offending are likely to be synthetic and multi-level in origin (see Smith and McVie 2003).' (McAra, 2012: 2). Findings from The Edinburgh Study in Youth Transitions and Crime (McAra and McVie, 2007/2010) were built upon to develop the conceptual idea of 'Negotiated Order' in which McAra (2012) describes the multi-systemic nature of control that they argued affected young people and labelling processes. The theory approach proposed that,

'Young people are subject to a complex network of regulatory mechanism in various domains....This network has both a formal and informal dimension. The formal dimension includes school, the police and (sometimes) the youth justice system. The informal aspects include parents, peer group interactions and the dynamics of street-life...' (McAra, 2012:1).

The theory places weight on various social actors playing a part in marginalising young people through processes of formal and informal social control. The framework includes the notion of 'domains' which will be picked up on further below in the discussion about Bourdieu where his idea of 'fields' will be suggested as useful. 'Negotiated order' tends to focus on 'control' rather than broader sociological context and there is also a generally negative suggestion around schools and the police. There is also a lack of

narrative about how young people experience contact with services aimed at diverting them and thus a lack of picture of what constitutes formal and informal from an experiential perspective. This research and theorising has been influential in the development of this project which is explored in methodology in terms of the suggestion of a 'multi-level' theory but which did not seem to adequately explain processes in which diversionary practice sat. This gave rise to consideration of other multi-level theories which might help to further understanding of diversionary practice and how young people's experiences might be understood.

### **Bronfenbrenner's Ecological Systems**

Through practice knowledge the idea that ecological systems theory (Bronfenbrenner, 1979) might be of use as a multi-level approach to conceptualising experiences of young people who received out of court disposals emerged. Bronfenbrenner proposed that, 'The ecological environment is conceived as a set of nested structures, each inside the next, like a set of Russian dolls.' (Bronfenbrenner, 1979: 3-4).

He goes on to explain each level of the structure as he considered them. The theory has been influential in child development and in social work practice as a way of understanding individuals, their immediate social environments and also the spheres of social life that influence their development and experience. Bronfenbrenner (1979) explains that,



‘A microsystem is a pattern of activities, roles, and interpersonal relations experienced by the developing person in a given setting with particular physical and material characteristics...

...A mesosystem comprises the interrelations among two or more settings in which the developing person actively participates (such as, for a child, the relations among home, school, and neighborhood peer group; for an adult, among family, work, and social life)...

...An exosystem refers to one or more settings that do not involve the developing person as an active participant, but in which events occur that affect, or are affected by, what happens in the setting containing the developing person...

...The macrosystem refers to consistencies, in the form and content of lower-order systems (micro-, meso-, and exo-) that exist, or could exist, at the level of the subculture or the culture as a whole, along with any belief systems or ideology underlying such consistencies....

...An ecological transition occurs whenever a person's position in the ecological environment is altered as the result of a change in role, setting, or both.’

(Bronfenbrenner, 1979: 22-26).

An illustration of ecological systems theory (see figure 3.1) was used in some of the interviews to help explore how the individual positioned themselves in a social context and to explore level of influence that they perceived. In other interviews this was used as a framework for the approach to exploring young people's ‘worlds’. Indeed, the work of France et al (2012) resonates with these thoughts about conceptualising youth justice practice through an ecological perspective. They propose that Bronfenbrenner supports ‘an analysis which recognises that the everyday “worlds” that young people engage in, and interact with, are a product of external political forces evident at a number of levels (within microsystems,

mesosystems, exosystems and macrosystems.)' (France et al, 2012: 5). In this work they propose an understanding of youth crime in terms of 'political ecology' which is described below. This perspective is developed throughout the analysis within the thesis.

### **Bourdieu's 'Thinking Tools'**

Later in the project, Bourdieu's ideas emerged as enormously valuable for developing a conceptual framework for analysis of the primary data. Bourdieu's interest in the tension between structure and agency, the relationship of the self and the social, made his 'thinking tools' (Bourdieu and Wacquant, 1992) very helpful for considering the processes involved in young people's contact with services in the name of 'diversion'.

A summary of what the literature says about Bourdieu's thinking tools is set out here. This is a presentation of some of the most useful definitions from the literature with brief explanation as to how they are useful within the context of this thesis. The meaning and usefulness of the tools is expressed in further depth through their application to the methodology (described in chapter 3) and the analysis of the data (presented in chapters 4 and 5). Then the implications of the findings in a conceptual sense are expanded upon in chapter 6.

It is important in presenting a summary of definitions of Bourdieu's concepts that it is understood that each element of the theory exists in relation to the others. Li (2015) explains, 'Bourdieu used a concise formula to illustrate the interlocking and interplaying nature of the three key thinking tools: [(habitus) (capital)] + field = practice (1984: 101).' (Li, 2015: 130).

This highlights the point that this is a set of relational concepts which work together to provide new ways of thinking about individuals and the social worlds they live in. Indeed, as Grenfell (2012) explains, ‘...one’s practice results from relations between one’s dispositions (habitus) and one’s position in a field (capital), within the current state of play of that social arena (field).’ (Grenfell, 2012: 50). Thus it is important to consider the notion relationally; and indeed this provides insight into the critical reflexivity that Bourdieu proposed as so central to understanding the social world.

### Habitus

Habitus is one of the key concepts from Bourdieu’s work. Indeed, Costa and Murphy (2015) suggest that,

‘With habitus, Bourdieu tried to access internalised behaviours, perceptions, and beliefs that individuals carry into the practices they transfer to and from the social spaces in which they interact. Habitus is thus more than accumulated experience; it is a complex social process in which individual and collective ever-structuring dispositions develop in practice to justify individuals’ perspectives, values, actions and social positions.’ (Costa and Murphy, 2015: 3-4).

France (2015) describes how Wacquant explained Bourdieu’s notion of habitus:

‘As Wacquant argues, habitus is “the system of durable and transposable dispositions through which we perceive, judge and act in the world ... acquired through

lasting exposure to particular social conditions and conditionings via the internalizing of external constraints and possibilities” (2006, p. 267).’ (France, 2015: 81).

Habitus is particularly interesting in the context of understanding interactions of individuals with services and processes of diversion because it is concerned with the self in the context of the field and ‘...the problem of how the “outer” (the social) becomes “inner”...’ (Grenfell, 2012: 107). This is key to issues of potential ‘labelling’. It is helpful for understanding how young people may experience ‘system entry’ and to considering how their sense of self may be affected by these experiences.

## Field

Li (2015) explains,

‘Field can be conceived as a social space with a system of positions. The positions agents occupy are determined by the overall volume of the valued resources – “capital” in Bourdieu’s term – they possess. The desirable but field-specific resources are modalities of social power which agents struggle to control, possess and reproduce....’ (Li, 2015: 130).

Indeed, Costa and Murphy (2015) also help with understanding the notion of field in the Bourdieusian sense:

‘Field’s social, multidimensional space provides the stage in which compatibilities and incompatibilities, proximities and distances” (Bourdieu, 1985, p.725) are determined through the positions individuals occupy.’ (Costa and Murphy, 2015: 6-7).

The notion of field has resonance with the primary data which is expanded upon in chapters 4 and 5. Bourdieu’s perspective lends itself to helping develop critical reflexivity about how staff members working within a field defined its purpose and how this may have been influenced by socio-political climate. Discussion will be developed by applying the notion of field to ‘the system’. It is also very useful in exploring the social worlds of the interviewees, in relation to their experiences of system contact, and also in terms of how they negotiated social conflict and also the transitions to adulthood.

### Capital

Capital might be often thought of in economic terms. However, Bourdieu’s thinking recognises different forms of capital at play within the social world. As Robinson (2014) explains,

‘In Bourdieu’s (1986) account, the complexity of social life, power relations and inequalities can be illuminated by thinking in terms of capital. Although a word most associated with economics, he applies it in a wider sense to explain social relations and why there is no perfect equality of opportunity because we live in a society that is not brand new, but has a past in which networks and associations have developed. These allow individuals or organisations to accumulate advantages and social assets through their actions or social practices.’ (Robinson, 2014: 11).

Indeed, Bourdieu (1986) explains that,

‘Cultural capital can exist in three forms: in the embodied state, i.e., in the form of long-lasting dispositions of the mind and body; in the objectified state, in the form of cultural goods (pictures, books, dictionaries, instruments, machines, etc.)...and in the institutionalized state, a form of objectification which must be set apart because, as will be seen in the case of educational qualifications, it confers entirely original properties on the cultural capital which it is presumed to guarantee.’ (Bourdieu, 1986: 47).

As well as economic and cultural capital, Bourdieu recognised that groups of individuals may develop capital through collective processes which magnify or lessen the ‘value’ (whether financial or otherwise) that the particular capital may hold. Indeed, Bourdieu (1986) says,

‘Social capital is the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition - or in other words, to membership in a group...These relationships may exist only in the practical state, in material and or symbolic exchanges which help to maintain them...The volume of the social capital possessed by a given agent thus depends on the size of the network of connections he can effectively mobilize and on the volume of the capital (economic, cultural or symbolic) possessed in his own right by each of those to whom he is connected...’ (Bourdieu, 1986: 51).

The notions of both cultural and social capital are helpful for understanding the operation of services and exchanges between workers which is expanded upon in chapter 4. These notions are also applied in chapter 5 when the social worlds of the interviewees are explored.

### Doxa

Doxa is another important concept to consider as a key element of Bourdieu's thinking about the self in social context. Doxa may be thought of as '...the unwritten "rules of the game" underlying practices within that field...' (Grenfell, 2012: 56). Indeed, 'The autonomization of a domain of activity generates the doxa, an *illusio* that forms the prereflexive belief of the agents of the field, i.e. a set of presuppositions that implies adherence to a domain of activity and implicitly defines the conditions of membership.....' (Hilgers and Mangez, 2015: 7).

In the context of this thesis, doxa is important for understanding the practice rationale of staff involved in decision making about out of court disposals. It provides the underpinning belief that is part of the habitus and also helps to define the parameters of the field and the way capital functions within it. It is also interesting as a concept to consider alongside habitus in exploring service perspectives about how they understood their contact with services and the wider contexts of their lives. This is discussed in chapters 4 and 5, where notions of what was thought to be 'right' within the narratives of both staff and service users is explored.

## Reflexivity

Bourdieu's thinking tools aid critical reflexivity about the individual and the social world. It allows for development of a perspective through which new ways of seeing practice emerge. As Costa and Murphy (2015),

'Bourdieu's social theory is also marked by his "obsession with reflexivity" (Bourdieu and Wacquant, 1992, p. 36)...The guiding principle of reflexivity is to encourage critical understandings of social realities in both the researcher and the researched... reflexivity aims to bring individuals' unconscious practical knowledge to a conscious level. The ultimate purpose of reflexivity is to lead to the emancipation of those who are able to objectify their or others' subjectivity through the understanding of the interplay between structures and agents.' (Costa and Murphy, 2015: 5-6).

The application of reflexivity to the process of analysis for this thesis is discussed the methodology in chapter 3. The application of the 'thinking tools' described above has provided a new perspective with which to conceptualise the primary data and the practice taking place. It allows for exploration of a new perspective about diversionary practice which is expanded upon in chapter 6.

## **Applying Bourdieu to the UK youth justice context**

Bourdieu applied his thinking tools to many contexts and indeed other academics have extended their application across a wide range of subjects. There are a few academics



who have made reference to Bourdieu in terms of understanding issues of young people and crime. Notably Robinson (2014) applies Bourdieu's thinking tools to her discussion of matters of youth justice in thinking about future developments for practice. She makes reference to the 'Inventing Adulthoods' study (Henderson et al, 2007) which applied Bourdieu to research that sought to further understand young people's perception of their social worlds, particularly in relation to transition to adulthood. The study as described by Robinson highlights how economic, cultural and social capital, operating within the context of fields, can play a significant role in the pathways young people follow. This is of relevance to discussion in chapter 5 in terms of understanding the service user narratives.

Whilst Robinson (2014) explores how Bourdieu can help to understand young people and youth justice responses, she does not extend this to fully explore diversion. She does make reference to the 2013 Framework for Out of Court Disposals (MoJ/YJB, 2013) including 'community resolution' but says that it was too '...early in its implementation, and only time will show how many young people are dealt with at each of these stages, how effectively it prevents entry into the formal parts of the YJS.' (Robinson, 2014: 220). The work in this thesis therefore extends this discussion.

### **Political Ecology**

It is of interest to note that subsequent to the process of applying Bourdieu's thinking tools to the data, it emerged that France et al (2012) had applied the work of both Bronfenbrenner and Bourdieu integratively through a framework of 'political ecology' to developing new perspectives about young people and crime. They suggest that their work can be used to 'construct an analytical framework that enables us to understand the "nested"

ecological relationships and their role in the development of young people's social and cultural identities.' (France et al, 2012: 18).

The ideas of Bourdieu and also Bronfenbrenner had been related to the case study data to suggest that an ecological and critically reflexive position was useful for developing insight into the practice taking place. Thus the work of France et al (2012) has been very helpful in pulling the conceptual framework for the analysis together and to articulating findings.

They suggest that these ideas can be applied as '...a useful framework of how we understand the structuring of the mesosystems, exosystems and macrosystems that surround the everyday lives of young people...' (France et al, 2012: 25). The conceptualisation in their analysis is based upon primary research they had been involved in which was carried out with '...113 young people living in some of the poorest areas in the UK. It was funded by the Economic and Social Research Council (ESRC) as a part of the Pathways Into and Out of Crime programme (Grant number L330253001). The project explored young people's relation with offending for three groups of disaffected young people...' (France, 2015: 78).

France et al (2012) touch upon issues of the use of out of court disposals but do not fully explore how the practice was operating and how young people interacted with services aimed at diverting them from 'the system'. Community resolution and police-only practice is not discussed. This thesis therefore develops the work of France et al (2012), extending the analysis to an exploration of the use of out of court disposals and 'diversion' of young people from prosecution. It builds upon ideas of political ecology applying this as a framework for

analysis of the primary data to develop a new perspective about youth justice policy and practice in relation to extra-judicial responses.

## **Chapter 2 – Policy and Implementation**

### **Introduction to the chapter**

This chapter explores policy that is relevant to the current context in the use of out of court disposals for 10-17 years olds in the UK. It also considers policy relevant to the nexus of the use of these disposals with services for young people. The literature review considered the socio-political context in which youth justice responses have sat over the past 100 years up to 2010; this chapter begins by continuing this exploration from 2010 to the present day. The current policy commitment to ‘diversion’ as a key driving force in youth justice policy will be set out. The introduction of caution and conditional caution as disposals available rather than reprimand and final warning under the Legal Aid, Sentencing and Punishment of Offenders Act (2012) is noted. The literature shows how receiving these disposals, from 2007 onwards, led to people being recorded as being ‘First Time Entrants’ to the youth justice system (YJS). There is therefore a drive to reduce the number of cautions as well the number of young people going to court because cautions are considered as falling within ‘the system’.

The policy framework surrounding the use of ‘community resolution’ (CR) is also explored. Receiving a CR means a person is not recorded as being an ‘FTE’. The contribution of the 2016 ‘Review of the Youth Justice System’ is discussed (Taylor, 2016). The observation is made that whilst there is discussion of some of the issues surrounding the use of out of court disposals it has left considerable ambiguity about the differences in practice models and the place of community resolution in the picture.

Tension within policy is explored by considering a wider set of policy agendas which mention young people's offending as a sign and/or symptom of risk. These areas include policy that set out ideas of 'Targeted Youth Support' (DfE, 2007) which emerged under New Labour with some research that has highlighted how data about young people who experience adversity is often not well collected and analysed (see Barnes et al, 2011). Later policy on 'Early Help' which has had major influence on children's social care policy from 2011 is touched upon in setting the policy context for preventive young people's services (see Munro, 2011). The separation of the policy fields influencing systems of children's social care and children's offending services is observed (see Hanson and Holmes, 2014).

Also, themes around child sexual exploitation and mental health are documented with a view to highlighting that concern about emergent offending behaviour is an indicator of concern for these policy fields. Other policy areas are also briefly noted in terms of education, substance misuse, anti-social behaviour and policy about preventing serious youth violence, which all suggest that offending behaviour during adolescence can be related to risk in these areas of young people's lives. Examples for each topic are set out below. The sense of tension therefore emerges between youth justice policy that is driving 'maximum diversion' and the idea that some kind of intervention may be helpful at an early stage for some young people who have offended. This complex range of policy is often framed as quite separate from diversionary youth justice policy. The notion that policy may sit in separate 'fields' may be helpful to understanding the context of practice in services for children and young people. This will be developed in relation to the conceptual framework of political ecology throughout the thesis (France et al, 2012).

The implementation of policy at national level is explored through presenting existing data on the use of out of court disposals from the 'mainstream' source of the Ministry of

Justice and Youth Justice Board (see MoJ/YJB 2016). A lack of published data on the use of informal disposals, often known as community resolution, is highlighted.

The research literature on the implementation of practice models which operate 'diversion' from the youth justice system are critically explored. These models may reduce tension between minimalist approaches to diversion and offering helping services to those with identified need. Models such as Triage (see Youth Justice Legal Centre, 2017), Youth Justice Liaison and Diversion (see Haines et al, 2012) and Bureaux are considered. Throughout the discussion the ideas associated with both welfare and justice positions are noted in discussing what can be seen about implementation of policy in the current literature. This exploration then sets a context to the primary research which is analysed in chapters 4 and 5.

### **The current policy framework: 2010 – Present**

The socio-political context of this period and its influence on youth justice policy and practice are less well documented than the history of earlier periods. An example of the academic commentary is from Smith (2014) who highlights the Coalition government introduced an overt policy of austerity from 2010. He explains that in 2011 the government introduced the intention to make changes to the youth justice system by,

'...launching its flagship policy document *Breaking the Cycle* (Ministry of Justice, 2010) within months of coming to power, signalling a major shift of direction, not least by way of its bold title. In fact, the promises made in respect of diversion represented no more than a continuation of the existing line of travel. Promising to: "promote diversionary restorative justice approaches for adult and young people

committing low level offences” and to “return discretion to police officers and encourage offenders to make swift reparation to victims and the wider community” (Smith 2014: 8).

‘Diversion’ continued to play a significant part in policy, yet it remained somewhat enigmatic as to what diversion means and what it might look like in practice.

It is significant to mention in the context of understanding out of court disposals that the Legal Aid and Punishment of Offenders Bill came to parliament in 2011 (which took effect from March 2012) and made changes to disposals available. The act gave further discretion to courts for the use of conditional discharges for young people who make their first appearance in court. It notably ended the disposals of reprimand and final warning and replaced them with cautions (which could be with or without conditions attaching to them). Some commentary on the 2012 act can be found in Byrne and Brooks (2015) which makes a significant contribution to the literature by providing an overview of current practice issues in relation to a new ‘Post-YOT Youth Justice’. The article explains,

‘The Legal Aid Sentencing and Punishment of Offenders (LASPO) Act 2012 and accompanying guidance (YJB, 2013) further promoted local responsibility for out of court disposal arrangements and gave greater discretion to divert from prosecution through removal of the ‘youth justice escalator’ (reprimand, final warning, prosecution). As ever, a smattering of popular punitivism remains in the Coalition’s approach to youth justice, as evident in mandatory sentencing, reinventing and re-packaging of Labour’s anti-social behaviour legislation, and the development of secure colleges...This of course must be set against a backdrop of public service cuts and the experience of an extended recession, which have the potential to create much greater social stress and social harms and where diversion can be

characterised as abandonment when supportive welfare services are absent (Yates, 2012; Smith, 2014b).’ (Byrne and Brooks, 2015: 8).

This analysis touches upon tension in responses to young people’s offending as to where welfare sits in an austerity context with pressure on the resources of public services. It is notable that there is no mention of the use of informal disposals such as community resolution in LASPO.

The use of out of court disposals for young people expanded in this period and some Ministry of Justice data on this is presented below. This expansion therefore took place in the context of localism, with a backdrop of austerity, and the continuation of the emphasis on driving down ‘First Time Entrants’.

The most recent government youth justice statistics available at the time of writing was MoJ/YJB, (2016). The document explains that,

‘The overall number of young people in the YJS continued to reduce in the year ending March 2015. Reductions have been seen in the number entering the system for the first time (First Time Entrants, FTEs), as well as reductions in those receiving disposals, including those receiving custodial sentences.

Compared to the year ending March 2010, there are now 67% fewer young people who were FTEs, 65% fewer young people who received a youth caution or court



disposal and 57% fewer young people (under 18) in custody in the youth secure estate.

The reoffending rate has increased (by 5.6 percentage points since the year ending March 2008, to 38.0% in the year ending March 2014), but there were significant falls in the number of young people in the cohort, the number of reoffenders and the number of re-offenses... The number of arrests of young people has fallen by 13% between the years ending March 2014 and March 2015. This continues the downward trend seen since the peak in arrests in the year ending March 2007. Since the peak it has fallen by 73%.' (YJB/MoJ, 2016: 5-6).

There is little published data on the use of community resolution, because the use of these disposals is not recorded in mainstream crime figures. There is a small literature which gives insight into the extent of the use CR. CJI (2012) gathered data to show that the use of these disposals '...increased from 0.5% to 12% of all case disposals between 2008 and 2011' (Criminal Justice Joint Inspection, 2012: 5). It is of interest to note in the context of austerity that there is data about the cost savings related to the use of CR, 'The cost of the basic 'street' intervention is estimated at £18.75. This compares favourably with £62 for a simple caution and £467 for prosecution leading to a guilty plea in court', (Independent Commission on Youth Crime and Anti-Social Behaviour, 2010: 60). Police-led CR may be characterised as serve immediate cost-saving agendas. There is a sense that CR practice sits in a separate field of practice; the legal framework for disposals does not encompass them; data is not gathered about their use in mainstream crime data.

At the advent of the primary research for this project there was little guidance about the use of out of court disposals at all. There was already a widespread adoption of the use

reprimand and final warning which would often involve some kind of 'diversionary' contact with YOTs. These had then changed to caution and conditional caution from 2012. Many local areas already operated various diversionary schemes. There had also been the introduction of informal disposals which had come to be known as community resolution. Thus the use of the various disposals and related practice had expanded in a context without much guidance and with strong drives to meet the FTE target. People involved in developing practice models applied local creativity to address these things and to varying degrees may have applied notions of welfare and justice in their considerations.

In 2013, the government issued guidance about the use of out of court disposals. 'Youth Out-of-Court Disposals - Guide for Police and Youth Offending Services' (known as MoJ/YJB, 2013) set out a framework for possible disposals that are available as extra-judicial outcomes. For the first time this was an attempt to offer a framework for practice. Notably community resolution is mentioned, where it is absent from MoJ and YJB statistics about youth out of court disposals.

MoJ/YJB (2013) guidance suggests...

'The benefits of the new out-of-court framework are:

- there are no restrictions on which disposal can be considered
- it encourages joint decision making between the police and youth offending teams (YOTs) to promote positive outcomes
- it provides safeguards against inappropriate disposals, including inappropriate repeat cautioning

- some out-of-court disposals, such as Youth Conditional Cautions, enable reparation to be made to a victim and for offenders to be diverted into services that seek to address the cause of their offending behaviour.’ (MoJ/YJB, 2013: 4).

In terms of CR, the clearest attempt at national guidance on these is by ACPO (2012), which publishes guidance on its use. The guidance explains that CR is ‘the nationally recognised term for the resolution of a less serious offence or anti-social behaviour incident...as opposed to progression through the traditional criminal justice process...it is a tool to enable the police to make decisions about how to deal more proportionately with lower level crime and is primarily aimed at first time offenders where there is genuine remorse’ (ACPO, 2012: 4). The guidance highlights the aims of the scheme as promoting discretion by police officers and giving choice to victims and therefore connects with concepts of restorative justice. There is no mention of concern about the social need of young people committing crime and the policy appears as very different to other policy about criminal justice responses for addressing young people’s offending. It does note that police have discretion as to whether they might wish to involve a youth justice service. There has been some concern in the literature that this practice is often carried out without referral to preventive young people’s services and not integrated with other models put in place for assessment of need (Criminal Justice Joint Inspection, 2012).

CJJI (2012) raised concerns about disparate practices in relation to CR highlighting that,

‘...equality of treatment and the visible response of police officers are vital components in maintaining victim and public confidence in policing...Our inspection visits and discussions with the judiciary and Crown Prosecution Service

practitioners suggest that the status of community resolutions and other RJ outcomes is unclear.’ (Criminal Justice Joint Inspection, 2012: 20 - 24).

Duckfoot (2012) was a piece of research carried out alongside the CJI report to explore the public’s view of restorative justice (RJ) initiatives and the use of informal resolution is covered here and the findings were used to inform the CJI (2012) report. It highlighted that ‘Level 1 application of RJ is generally well received because it reminds of “the bobby on the beat” empowered to give offenders the modern day equivalent of “a clip around the ear”...For around three-quarters of the sample there can be enough stand-alone punishment found in RJ when considering young, mostly first-time, offenders in relation to incidence of vandalism or petty theft’ (Duckfoot, 2012: 8). The use of such disposals for repeat offenders or those committing violent offences was less well perceived by the public, ‘Less than a quarter of the sample would allow for RJ in such circumstances with young repeat offenders...No one wants to endorse RJ as an adequate stand-alone punishment for any age of offender, when the offence involves pre-meditated physical harm or lasting deep trauma to others.’ (Duckfoot, 2012: 8-9).

There is some evidence of controversy about the role of the police as decision makers. Indeed, as the Independent Commission on Youth Crime and Anti-Social Behaviour (2010) explain,

‘Senior police are uncomfortable that frontline officers are currently the only arbiters of whether a restorative disposal is used, casting them in the role of “adjudicator” as well as “investigator”. In response to the latter, we think police officers should continue to use their judgement and discretion in minor cases where children and young people are behaving antisocially or breaking the law,

offering advice or taking no further action. However, where a case is considered suitable for an informal restorative disposal, the decision should be taken jointly with the local Youth Offending Team (YOT)...’ (Independent Commission on Youth Crime and Anti-Social Behaviour, 2010: 60-61).

Therefore, there has been some controversy in the literature about informal resolution. In the wider context of out of court disposals in general there has been some commentary on issues of ethical application of such disposals. For example, the House of Commons Justice Committee (2013) said that, ‘Out-of-court disposals can provide a proportionate means of dealing with offending that deserves a criminal justice response but is not serious enough to warrant prosecution, but we suggest some safeguards in response to concern amongst sentencers and the wider public that their use is not always transparent or appropriate.’ (House of Commons Justice Committee, 2013: 3).

And, similarly, a number of associated concerns were raised alongside this. The Justice Committee highlighted that,

‘The Magistrates’ Association, while not opposed to the appropriate use of out-of-court disposals, was critical of what its members perceive as their over-use by the police service: There is widespread belief within the magistracy that out-of-court disposals are being used over-zealously by the police, with an autocratic approach to their implementation and without independent scrutiny and monitoring... Magistrates need to be convinced that out-of-court disposals are effective...

In cases of serious offending, the victim may feel that they do not get justice.

Unlike with adult cautions, there is no requirement to consent, therefore a young person may be burdened with a criminal record without due process; in cases of genuine guilt, they may be insufficient to nip offending behaviour in the bud.'

(House of Commons Justice Committee, 2013: 20).

Subsequent to this a review has been carried out by HM Government into the youth justice system as a whole. This was published in December 2016, written by Taylor, 2016. The report celebrates the statistics that the numbers of young people 'dealt with by the youth justice system' has fallen. Notably receiving a 'caution' is shown as counting as 'being dealt with by the system' i.e. becoming a 'First Time Entrant'. Taylor (2016) said,

'Since that high watermark the number of children dealt with by the youth justice system has reduced spectacularly, with consistent year-on-year falls. The number of children cautioned or convicted in 2015 was 47,000 – down 79% since 2007. Over the same period the number of children entering the youth justice system for the first time has fallen by 82%, the number prosecuted at court has reduced by 69%, and there are now around only 900 under-18s in custody.' (Taylor, 2016: 2).

The position that those children who have been diverted from the 'system' were those least likely to re-offend is put forwards. It is suggested that those that remain are those most at risk of re-offending. A strong argument for welfare concern across the spectrum of youth justice responses is called for in the review. Equalities issues are highlighted in terms of the over-representation of young people of 'Black And Minority Ethnic' (BAME) background in custody as well as those from complex backgrounds including those who may have been in local authority care. The review also says that less 'BAME' young people receive out of court disposals. It is suggested that more of them may chose a 'no comment' approach to

interacting with the police and therefore are not considered for out of court disposals. The correlation with policy fields around social care, substance use and mental health are clearly drawn in relation to these young people who have gone to on repeatedly offend and become involved in institutional responses to their offending. Education is suggested as key to improving outcomes for these children.

There is a significant clarification of direction in terms of some key principles for the use out of court disposals the review says,

‘Most areas already operate diversion schemes for children who offend, but there is a wide range of differing practice across England. All local authorities, police forces and health services should jointly operate diversion schemes which adopt the following principles:

Proportionality...Sensitive to victims...Devolved decision making...Speed...Light-touch assessment...Access to other services...Leadership...Independent scrutiny...’ (Taylor, 2016: 19).

The review therefore suggests a significant need to address issues surrounding the use of out of court disposals and related services for young people. It sets out a need for the development of greater clarity and consistency in terms of practice. There remains a great deal of ambiguity surrounding diversionary practice models, for example the place of community resolution and diversionary practice models. It does not explore what constitutes ‘being dealt with by the youth justice system’ i.e. where does the ‘system’ begin and end. It does not consider how these responses should be integrated into wider services for young people with identified needs. The use of CR is not specifically addressed and it sets out the

intention to give local authorities even greater discretion. Despite welfarist tones, the drive to reduce FTEs, in a rather target driven sense, remains.

### **Tensions in policy**

A significant issue for policy that has been ongoing for many years since the development of the 'YJS' as it has been known since 1998, is the issue of where services for young people who offend cross over with services for young people who face a range of social and personal adversity. As Taylor (2016) acknowledges in some respect an unintended consequence of 'YOTs' has led to a tendency for siloed service provision for young people with offending behaviour. The development of the system in terms of out of court disposals has been really complex. As discussed above there has been unclear policy as to how these offences should be responded to in terms of understanding offending as sign or symptom of wider need and how decisions about proportionate responses should be made.

With increasing numbers of young people whose offending behaviour is dealt with out of court the nexus of out of court disposals with the provision of services for young people is of considerable interest. Themes explored include research and policy about 'Early Help' in children's social care, child sexual exploitation, mental health, education, substance misuse, anti-social behaviour and preventing serious violence, all of which identify offending behaviour as a sign and symptom of risk. The central point is that there is a considerable degree of tension in terms of policy about need in young people's lives and policy which emphasises maximum diversion to reduce iatrogenic processes but without considering critical questions about how the two can sit together. This part of the discussion synthesises literature which may not conventionally be considered together to explore where policy



tensions sit and what this means for the use of out of court disposals and balancing welfare and justice concerns in related practice.

Children and young people who offend, including those with emergent offending or 'anti-social behaviour', are mentioned in a wide range of UK policy about young people's services. It is interesting to note that in developing this review and in analysing the primary data there is an iterative process that has taken place where the themes about need that existed in the lives of the interviewees resonate with the policy fields which mention offending as a sign or symptom of risk and need. The themes are:

- Family adversity which can be loosely correlated with early help and social care policy fields.
- Emotional health – self and social contexts – which relates to mental health policy.
- Personal relationships – vulnerability – child sexual exploitation policy.
- Substance use – self and social contexts – substance misuse policy.
- Educational issues and GCSEs as capital at year 11 and on – education policy.
- Social conflict, capital and habitus – policy on violence in groups and gangs and policy on anti-social behaviour.

These policy fields and how they are relevant to the use of out of court disposals and diversionary young people's service responses will now be discussed.

### **'Integrated' or 'Targeted' Youth Support, Social care and Early help**

The notion of 'maximum diversion' based in findings from the Edinburgh Study of Youth Transitions and Crime (McAra and McVie, 2007/2010) has sat in parallel with policy development for children and young people's services. The development of New Labour policy such as Every Child Matters (HM Government, 2004) proposed the need for services for 'young people' that could respond holistically to risk and need in their lives. These policy developments often mentioned offending as one of the key areas they looked to address with a recognition of co-existent issues. However, youth justice policy in relation to diversion from prosecution seemed to develop separately without a clear articulation of how these areas were supposed to overlap. In relation to literature on the development of 'Targeted Youth Support' for example, the prevention of offending was mentioned. O'Mara et al. (2010) explain that,

'In 2005, the-then government released the Green Paper Youth matters (HM Government 2005), which set out the Department for Children, Schools and Families' (now the Department for Education) strategies for providing opportunities and support for teenagers. At the same time, TYS Pathfinders programmes were being piloted in 14 local authorities...The rationale behind TYS is that the multiple and complex support needs of youth are best met by a collaborative, coordinated approach rather than by mainstream or specialist services in isolation...' (O'Mara: 2010: 19).

This report includes consideration of the prevention of offending as one of the key aims of Targeted Youth Support, but does not specifically research the process by which

'TYS' services and the police or Youth Offending Teams should or could work together. This report also highlighted that,

'There is an insufficient number of studies that reliably test the positive impacts of early interventions and multi-agency targeting; most studies anecdotally report findings related to these impacts. There is more information available on barriers to effective intervention, although this is also often anecdotally reported. There is a lack of cross-disciplinary research, for example studies that draw on both psychological and social approaches to issues affecting youth. There is also a lack of explicit conceptual consistency with regard to the nature of "risk" or "vulnerability".' (O'Mara, 2010: 4).

In further exploring literature on targeted or integrated youth services, Barnes et al. (2011) highlight that the coalition government continued with the idea of offering services for young people to address a range of co-existent vulnerability in young people's lives. Indeed,

'The Department for Education (DfE) wants to improve the aspirations and achievement of vulnerable young people with the notion of 'multiple disadvantage' emerging. Of interest are young people who experience substance misuse, emotional health concerns, teenage parenthood, low attainment, those who are NEET and those involved in crime. The Department has a wealth of evidence on each of these issues and the ways in which young people are disadvantaged. However, there is less evidence on how these disadvantages overlap for some young people and the outcomes for those affected by multiple disadvantage.' (Barnes et al, 2011: 1).

This report publishes data from a large-scale longitudinal study which sought to correlate information about multiple disadvantage:

'The data for this study comes from the Longitudinal Study of Young People in England (LSYPE), a large, nationally representative survey designed to follow a single cohort of young people from the age of 14 to early adulthood. The study has now completed its seventh wave of interviews, when the respondents were aged 19/20 and an achieved sample size of approximately 8,700. LSYPE collects a range of information on young people's characteristics, attitudes and behaviours; their family background; and the circumstances and views of their parents. LSYPE has also been linked to pupil attainment records, school characteristics and geographical indicators.' (Barnes et al, 2011: 1).

The findings suggested different broad groupings of young people who faced disadvantage and divided these groups into five main groups:

'The research identified the socially excluded group and the risky behaviours group as the most disadvantaged, and hence these groups may warrant particular attention. Early intervention could make significant impacts on these young people's lives and substantial savings to society – for example, 52 per cent of the socially excluded group were on benefits at age 18/19.' (Barnes et al, 2011: 5).

Essentially the report provided a strong correlation between offending behaviour and other need and risk, promoting what could be considered a 'welfare' perspective. A key issue

highlighted in Barnes et al (2011) is that although offending may not be persistent, other wider context of risk and need may be of significant concern.

Furthermore, around this time the influential Munro Review on Child Protection (2011) was published and coined the phrase 'Early Help' (Munro, 2011). This influenced policy development and an updated version of Working Together to Safeguard Children was published in 2013 to include the requirement for social care services to provide 'Early Help' for those children and families at the threshold of needing child protection services. This did mention the role of police and YOTs in safeguarding processes but there is no link made with diversionary service responses and safeguarding responses. Munro (2011) asked that,

'...the Government place a duty on local authorities and their statutory partners to secure the sufficient provision of local early help services for children, young people and families. This should lead to the identification of the early help that is needed by a particular child and their family and to the provision of an offer of help where their needs do not match the criteria for receiving children's social care services' (Munro, 2011: 7).

These policies have been influential in terms of the establishment of integrated youth services and subsequently 'early help'. However, there is an insufficient commitment at the level of policy to understanding the relationship of children and young people using social care services and youth justice services and to understanding the relationship of the two. As already discussed Hanson and Holmes (2014) highlights disparity of the systems of social care and youth justice. This analysis is similarly detectable in Taylor (2016) when he recognises the disparity of the systems of youth justice and social care exploring how often young people who are seen to be involved with a YOT may not easily access services from

other areas of service provision including social care and health services. Some examples of models that may seek to reduce the disparity of these systems are explored below in section three of this chapter.

### **Mental health**

Taylor (2016) in HM Government's review of the YJS notes that,

'Health services play a vital role in preventing youth offending. Many children who offend have mental health, behavioural or learning difficulties, and often these conditions have gone undiagnosed. These problems can be at the root of a child's offending, and frequently are a barrier to engagement or progress in education. Tackling these problems as quickly as possible is therefore essential.' (Taylor, 2016; 9).

Haines et al. (2012) provide an in-depth analysis of the impact of the Youth Justice Liaison and Diversion scheme which is explored in more depth below. They suggest a significant overlap of young people with presenting emotional and mental health issues with young people who commit offences.

Indeed, the Bradley report (2009) explored the place of diversionary activity in the youth justice system and related it to addressing the complex needs of young people who offend. Lord Bradley proposed a very different approach to diversion to the version of McAra and McVie's 'maximum diversion' that has been implemented in much of the policy on out of

court disposals. This work went alongside the piloting of YJLD, highlighting why some academics have said that diversion is a range of practices based upon more than one notion (McLaughlin and Muncie, 2001). He defined diversion as,

‘A process whereby people are assessed and their needs identified as early as possible in the offender pathway (including prevention and early intervention), thus informing subsequent decisions about where an individual is best placed to receive treatment, taking into account public safety, safety of the individual and punishment of the offence.’ (Bradley, 2009: 16).

Lord Bradley called upon the government to set out a coherent strategy at national level to respond to his call for reform of how the criminal justice system as a whole responds to individuals with mental health issues.

### **Child Sexual Exploitation**

There is a theme in some of the literature on child sexual exploitation (CSE) that includes offending behaviour as either an indicator of or risk factor for involvement in CSE. It is therefore a worthwhile theme to cover in terms of asking the question about how this concern is being responded to by diversionary practice by police and young people’s services. Examples of such research and policy documents include Berelowitz et al (2012) who recognised an issue with,

‘...children and young people offending either as part of the process of being exploited or as a consequence of it... any child displaying several vulnerabilities from the above lists should be considered to be at high risk of sexual exploitation. Professionals should immediately seek to determine the risk, while taking preventative and protective action as required.’ (Berelowitz, 2012: 13-14).

Also Phoenix (2012) highlighted,

‘...suggests that young women can often be drawn into the YJS as their behaviour with low level offending as a way to meet their own needs for food, shelter or as a cry for help are treated as criminal. The report suggests that therefore diversionary models which recognise the issues of these young people and offer support as well as challenge may be more helpful than bringing them into traditional models of justice systems.’ (Phoenix, 2012).

It seems unclear how very minimalist responses to young people’s offending would support approaches that would prevent young people’s involvement in this kind of vulnerability. It was an inductively emerging theme from the data in chapter 5 that this does appear to be a significant sub-text to the vulnerabilities that some of the young people in the study experienced.



## **Substance use**

Issues around substance use and criminality have long been a theme in criminology literature and indeed the subject of early research into labelling processes. This is interesting to note in this context where diversionary policy, which has been based so heavily on notions from labelling theory. Becker's studies in the sociology of deviance explored specifically issues around marijuana use and the processes by which people became socially excluded through labelling and association with alternative cultural grouping (Becker, 1963). Major research into 'normalisation' is also important to note as a key paradigm in the literature around substance use and crime, it sits in parallel with research about how relatively normal a spate of adolescent limited offending may be (Graham and Bowling, 1995) and similarly how experimental substance use frequently occurs during adolescence. This sits therefore as context to current policy which is different in its approach to policy on crime, with a message that is about early intervention and prevention in the substance misuse field.

In terms of current substance misuse policy there is a connection made with emerging offending behaviour and risk. Young Addaction (2015) say, for example, 'Health inequalities relating to substance misuse are evident, with vulnerable groups (such as those excluded from school, young offenders and care leavers) far more likely to experience substance misuse problems.' (Young Addaction, 2015: 3). 'Early intervention' is noted as key to the approach.

Therefore the use of out of court disposals for drug possession, selling or related to substance use in terms of acquisitive crime or behaviour related to being 'under the influence' is an interesting area. There is potential for considerable tension if diversionary

approaches do not consider screening to provide access to services. This area is not explored in the review of the YJS 2016; mental health and education are given a prominent policy position.

## **Education**

Indeed, Charlie Taylor has placed considerable emphasis on a connection between educational underachievement and offending,

‘Many of the children in the youth justice system have had little or no engagement in education. It is common for children in trouble with the law to have had poor school attendance from an early age, and to have begun to play truant as they got older. Many have learning difficulties and lack the basic skills in literacy and numeracy to succeed at school, while many have been permanently or temporarily excluded... It is also essential that children at risk of or involved in offending must be involved in education, training or work.’ (Taylor, 2016: 10 - 11).

The relationship of young people being involved in offending and educational disengagement has been previously researched in studies such as Berridge et al (2001) with connections established between school exclusion and wider patterns of reduced social bonds. For a significant group of these young people they then moved into offending behaviour. Under New Labour initiatives like policy of Targeted Youth Support, discussed above and policy to reduce young people ‘Not in Education, Employment and Training’ (NEET), have expressed concern that young people who are disengaged from education will also become involved in crime.

Thus the emphasis by Taylor (2016) on education relates to earlier research and policy. However, the extent to which this is central to the approach of his 'New Youth Justice' is significant. He shows a continued commitment to diversionary responses which he acknowledges as varied and inconsistent. It is therefore unclear how extra-judicial responses and the policy on addressing educational needs will sit together.

Taylor (2016) refers to Department for Education's recent white paper Educational Excellence Everywhere which certainly highlights the current policy focus on 'education' for children. 'Education is the hallmark of a civilised society, the engine of social justice and economic growth, the foundation of our culture and the best investment we can make in the future of our country.' (Department for Education, 2016: 5).

It is worthy of note that the area where the young people who took part in this study lived in is one of the areas marked 'weak' on the government's map for educational attainment in Department for Education (2016). This raises an interesting question about the application of youth justice policy and whether it takes account of social context sufficiently well. There certainly appears to be a suggestion of mismatch in terms of policy identifying offending as co-existent with poor educational achievement, and unclear policy about where these responses sit and how service should respond.

**Community issues of anti-social behaviour and also violence related to groups and gangs.**

These policy arenas are loosely discussed under the same heading here, whilst quite different in the type of offending this might include, but with a view of considering themes which potentially affect 'communities' and how they are impacted by crime. In consideration of 'risk' in a community context Bateman (2011) explained trends from Asset data that had been stated in Ministry of Justice (2012):

'In 2008/09, 72% of children subject to YOT supervision were assessed as displaying a moderate to substantial risk (Asset score 2-4) in relation to their thinking and behaviour; 58% in relation to their lifestyle; and 45% in relation to their attitudes to offending. By contrast, just over one in five children was allocated an Asset score of two or higher as a consequence of the neighbourhood in which they lived. This focus on the individual is probably encouraged by the fact that any identification of a risk factor as a feature that explains the child's offending should be addressed in the supervision plan: attitudinal change may be more easily addressed than structural disadvantage. Yet the reoffending rate for those children where neighbourhood of residence was recognised as a problem was higher than that for the other three categories of risk.' (Bateman, 2011: 12).

Thus policy on community issues such as issues of local youth violence and also on addressing anti-social behaviour both have potential overlap with the use of out of court disposals and how services respond to emerging issues that affect 'communities'. The document that set out the government's plans about ending serious youth violence proposed early intervention and the expansion of liaison and diversion schemes in police stations as

key parts of this strategy. It also proposes that risks should be considered by a 'MASH' (a Multi-agency Safeguarding Hub) which is designed to promote information sharing across police and children's social care.

There is no mention of this policy arena in the guidance on the use of out of court disposals; there is no policy on how decision making around disposals and decision making of a 'MASH' should co-exist or work together in the identification of appropriate needs based services. Diversionary policy that promotes a separate approach to data and decision making is not integrated with policy to address violence in groups and gangs.

Furthermore, 'Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery...' (Home Office, 2014: 1). This document sets out new measures to be introduced:

'The Anti-social Behaviour, Crime and Policing Act 2014 includes two new measures which are designed to give victims and communities a say in the way anti-social behaviour is dealt with:

- The Community Trigger, gives victims the ability to demand action, starting with a review of their case, where the locally defined threshold is met.
- The Community Remedy, gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.' (Home Office, 2014: 2).

There is an explanation that community resolution (CR) may be used as the disposal used alongside the 'Community Remedy' in which a victim would set out their requests in

relation to resolving the crime they had experienced. It appears the suggestion is that these might be used in the resolution of issues of 'anti-social behaviour' rather than 'crime'. Whilst it makes reference to ACPO (2012), it is notable that ACPO set out that CR would be used to resolve crime and did not mention ASB. There is also mention of youth conditional cautions (YCCs) but no mention of cautions. The relationship of these criminal disposals with the use of these anti-social behaviour measures appears unclear; it appears YCC are proposed as being used to resolve offences only.

There is no mention of welfare concerns for young 'perpetrators'; even in the mention of the YCC there is no mention of the requirement to liaise with YOTs as set out in the 2013 guidance on out of court disposals by MoJ/YJB (2013). There is no mention of any of this practice being discussed with a MASH or being carried out with any sort of screening process as to the social and personal circumstances of the 'offender'. The emphasis is firmly on victims and the partnership arrangements proposed do not include children and young people's services.

This once again highlights the complexity of the policy fields which influence the use of these disposals, characterised by mismatch and tension. The issues of welfare and justice can be seen as quite differently represented across these fields.

The policy literature on out of court disposals such as MoJ/YJB (2013) and ACPO (2013) therefore significantly underplays the relationship between welfare and health concern and the 'gateway' to the YJS, as well issues about offending and 'communities' which are not mentioned in guidance on the use of out of court disposals. The policy areas covered here have been identified through years of reading around this subject area. These are the issues that have emerged as most significant as part of an iterative process in

analysing the primary data. The areas here also correlate strongly with the themes that emerged as significant from the interviews. There is rich qualitative data in chapter 5 about service user's lives which contextualises the use of these disposals and shows how the way policy is often divided into these separate fields which often does not reflect the lives of the people that the policy affects.

### **National implementation – 'Diversionary' practice models in a context of localism.**

The discussion above sets out the policy framework directly related to out of court disposals and also related policy themes which mention young people's offending as a sign or symptom of risk. The chapter will now explore the information available about how policy is being implemented at national level.

In terms of quantitative data available about the national picture in the use of out of court disposals, 'Youth Justice Statistics 2014–15' sets out the reduction in 'first time entrants' to the YJS, with a reduction in the numbers of cautions (MoJ/YJB, 2016) as well as court disposals. There is a notable absence of data about informal resolution with a chart that states 'Young people diverted from formally entering YJS - "unknown"' (MoJ/YJB, 2016: 17). This highlights how data on informal resolution is not widely available.

It is noted that the rate of reoffending by those who do 'enter the system' has increased, suggesting there is further to go in terms of understanding how services can prevent reoffending for those who persist in being involved with youth justice services. It is also interesting to note that trends about ethnicity and gender are set out, suggesting an interest in these areas in terms of 'mainstream' youth justice data, i.e. the data included in

the MoJ/YJB reporting. The absence of such data about informal disposals, usually 'community resolution' can be observed.

In terms of the use of CR it is important to understand that there is limited data available about the increase of the use of community resolution. The little data that is available from CJI (2012) was presented above.

### **Diversion schemes**

There are various UK based studies into the operation of diversionary schemes, notably Triage, YJLD and Bureaux; many of these are not new. The model considered in LA1 in the primary research can be considered in the light of this literature; gaps in the literature are highlighted, notably the absence of qualitative voice of both staff and service users in understanding issues about 'the system' and 'diversion' in practice. The articles mentioned in this area of the chapter are not intended to be exhaustive but rather an overview of some of the relevant material in this field so as to present some of the key debates and issues that have arisen from existing research.

MoJ/YJB, (2013) highlight,

'Some areas will have access to diversion schemes – such as Triage, Bureau (Wales only) and Youth Justice Liaison and Diversion – many of which operate in partnership between the police and the YOT. These schemes will continue to operate and are not precluded from doing so by the changes to out-of-court disposals. How Triage, Bureaux and Youth Justice Liaison and Diversion fit



into the out-of-court disposal framework will continue to be determined locally.’  
(MoJ/YJB, 2013: 11).

Taylor (2016) explains, in setting out the government’s position on the direction of the YJS that,

‘Diversion schemes set up around the country between the police and YOTs have sought, where possible, to deal with children outside of the criminal justice system. This is undoubtedly the right approach and one which I am keen to see used more consistently and effectively. In Wales, every area operates a scheme such as the Youth Bureau, first developed in Swansea, to divert low-level offending away from the formal system as quickly as possible. Close cooperation between the police and youth offending services means that a joint decision can be made as to which offenders can be dealt with informally and which will need to go to court. Similarly, in Cardiff a triage system operates where workers from the Media Academy Cardiff (MAC), a local charity funded by the YOT, are present in the police station. When a child admits a low-level offence the supervising officer will decide whether to make a referral to the MAC worker who will then complete a simple assessment. In most cases the child will then be offered the chance to avoid formal proceedings and become involved in one of MAC’s programmes....Very few children fail to take up this informal support, and those discovered by the assessment process to have additional concerns can be referred to other agencies such as mental health or social care.’ (Taylor, 2016: 18).

There is notably the distinction drawn between being sent ‘to court’ and being dealt with ‘informally’. However, the degree to which disposals and responses are ‘informal’ may

be analysed and thought about in terms of how they relate to the way the process is experienced. These ideas relate to perspectives from labelling theory which may arguably be adopted pragmatically in the political context of austerity as discussed chapter 1. The experiential perspective of people receiving these responses is little researched. The national picture of widely varied and localised models is evident in the review; the view that there is a need to make these services more consistent and effective is expressed. It is interesting, therefore, to explore more of the literature about some of the models operating nationally.

There are also different schemes known under the banner of Triage. The Youth Justice Legal Centre explains that 'Triage is an informal process that means a child will not be prosecuted, given a community resolution or youth caution. The child can be asked to go to Youth Offending Team appointments' (Youth Justice Legal Centre, 2017). It seems that while this is an attempt to give a framework for the operation of Triage nationally the picture of implementation is varied and there is a little available data on the operation of the schemes.

A significant report into Triage is by the Institute for Criminal Policy Research (2012). The report sets out some interesting information about the operation of Triage in seven areas across England:

'Triage came in a variety of shapes and sizes, having been implemented locally to meet the particular needs and circumstances of each area visited. However, most commonly Triage schemes were focused on the diversion of first-time entrants from the youth justice system. In some areas Triage schemes operated as a stand-alone process. In others it was part of a raft of interventions targeting young

people at risk of offending or young people coming into contact with the police in custody. Triage was highly valued for its early intervention and diversionary approach by many of the stakeholders interviewed' (Institute for Criminal Policy Research, 2012: 30).

However the authors said there was lots of complexity in gathering the data and things that they had hoped would be available from the local authorities or police services was difficult to obtain in some cases. They had wanted to analyse 'throughput' and 'outcomes' in a quantitative sense but this data was not easy to get hold of. They explain that they adjusted their approach and built a case of practice from what was available.

A summary of key findings included several points related to securing good working relationships between the police and young people's service providers at both a strategic and an operational level and that training of police officers should be undertaken to promote buy in to the Triage process. In some areas, it was noted, "the introduction of neighbourhood or community resolution" (YRD-type responses) was believed to have a potential impact on the use of Triage, pre-empting its use, and deflecting attention from the "specific needs" of vulnerable young people' (Institute for Criminal Policy Research, 2012: 31). This suggested that sometimes the use of CR was not properly integrated with the use of Triage. The study highlighted varied success in the seven areas that were researched in terms of implementing the scheme. It also notes variety in the average number of contacts a young person would have with the service and varied range of interventions and activities offered.

Other examples of the implementation of Triage are mentioned on the YJB resource hub, for example 'enhanced Triage' in Suffolk. The aims of the scheme include 'Earlier and more comprehensive assessments influence the quality of decision making for out of court

options...' (YJB, 2017). It highlights the importance of good integrated working practices between police and the youth offending services. There is no data on the site to say how many people are being seen, who gets which outcomes for which offences, who engaged in what support and there is no qualitative perspective from service users about the schemes. What is noticeable is that the notion of localised schemes and practice is evident.

A slightly different diversionary model is that of Bureaux. These are one of the oldest models of diversionary practice. The Swansea Model is mentioned in the literature and highlighted by Taylor (2016). The Independent Commission on Youth Crime and Antisocial Behaviour (2010) highlights practice in Swansea:

'Between 2001/2 and 2009/10 Swansea saw a dramatic fall in the number of young offenders being dealt with by the criminal justice system. The Youth Offending Service (YOS) attributes this in large part to the decriminalisation of first offences. Decisions about how to deal with a young person's first arrestable offence are passed to a 'bureau' made up of a YOS coordinator, a police inspector or sergeant and a trained community volunteer. Drawing on detailed information about the young person's background and circumstances, the bureau decides between: a 'noncriminal' disposal, reprimand, a final warning or prosecution. The process also gives a central role to parents. For all but the most serious offences, responses involve restitution, restorative conferencing, agreed compensation or community work. Non-criminal responses are not recorded on the Police National Computer. Out of the 278 cases that went through the bureau process in 2009/10, 107 resulted in non-criminal disposals, 89 in reprimands, 72 in final warnings, and only 10 in prosecution. The majority (184) included an intervention programme.'

(Independent Commission on Youth Crime and Antisocial Behaviour, 2010: 61).

The Bureau idea seems widely regarded in a positive light in the literature in terms of anecdotal narrative of positive impact.

Another significant model is Youth Justice Liaison and Diversion (YJLD). This does not seek purely to reduce FTEs but to consider the preventive potential of looking at a range of young person's needs while in custody with particular interest to mental health and substance use:

'The Youth Justice Liaison and Diversion (YJLD) pilot scheme was developed in 2008 to enhance health provision within the youth justice system and facilitate help for children and young people with mental health and developmental problems, speech and communication difficulties, learning disabilities and other similar vulnerabilities at the earliest opportunity after they enter the youth justice system'. (Haines et al., 2012: 7).

Haines et al. (2012) found positive feedback from their qualitative data but noted issues with some of the other data and highlight the complexity of understanding outcomes in a multi-systemic preventive intervention or range of interventions,

'...it is inevitably complicated by the complexity of each vulnerable child's decision-making process and the large number of factors that may contribute to a decision by a vulnerable young offender to alter their offending behaviour. Various external stimuli (peer pressure and personal experiences) will undoubtedly contribute positively and negatively to any such decision and therefore disentangling the specific influence of YJLD is likely to prove exceptionally difficult.' (Haines, 2012).

Also, Bradley (2009) commented that,

‘An absence of a centralised strategy has meant that schemes have developed differently and inconsistently. Problems range from differences in the size and workload of schemes, to diverse aims and objectives. A lack of follow-up data on cases makes it difficult to ascertain what the impact of these services has been on mental health outcomes, or on reducing re-offending rates.’ (Bradley, 2009: 22).

There is another theme in the literature about existing models about some areas that have moved ahead with ideas of ‘integrated youth services’. An example of one such attempt is that of Surrey:

‘In Surrey the opportunities of “localism” and expectation of greater integration of youth services (stemming originally from the 2005 Youth Matters green paper) led to the disbanding of the traditional YOT in 2012 and the incorporation of the functions of the YOT into a wider youth support service (YSS) working with a range of vulnerable young people...Questions remain as to whether routinely seeking a restorative response to offending behaviour and the co-mingling of criminal justice and non-criminal justice practices within one service (as is the case in Surrey) amount to prolonging ‘systems contact’ and are in themselves criminogenic. These would no doubt benefit from further research.’ (Byrne and Brooks, 2015: 11 – 13).

Indeed, Taylor (2016) wrote about the Surrey model in the 2016 Review of the Youth Justice System. He commented,

'In Surrey, for example, the YOT has been successfully integrated into the local authority's wider youth services. This means that a child in the youth justice system can access the same broad spectrum of provision as a child who is homeless, not in education, employment or training (NEET), or has other welfare needs. This provides a more comprehensive response to children who offend and increases the opportunity to divert them from the youth justice system and into other suitable services, while allowing greater flexibility in the length and intensity of support provided. Similar approaches are evident in Oldham, Gloucestershire, Pembrokeshire, and Kingston and Richmond, though in each of these areas the youth offending and support services have been outsourced to community interest companies or other groups...Some local authorities such as County Durham and Cornwall have retained a YOT model closer to its original form but co-located it with their children's services to achieve a more integrated response to vulnerable and offending children. In Stockport the YOT is spread out within the local authority's children services hubs, retaining some central specialised workers for the most challenging cases such as sex offences.' (Taylor, 2016: 7- 8).

So whilst considering the issues raised by the research into diversionary schemes it can be seen that there is strong suggestion of concern about a wider context of adolescent risk and how to respond. There is little that can be concluded from the literature and a picture of ambiguity and rather disparate practice can be noted. 'Diversion' is a dominant paradigm, but what this means in practice is not always clear. Whilst some studies focus on re-offending rates and system contact, others focus on how services address need and risk in young people's lives. The 'welfare versus justice' paradigm can be seen about being played out from policy into practice.

This chapter therefore shows that policy encourages local arrangements which may have some practical advantages, however there is no clear policy to encourage a holistic view of issues affecting some young people's lives such as CSE, mental health and so on. The practice context sits on a background of austerity, as Byrne and Brooks (2015) have recognised:

'Many hard-pressed local authorities are taking the opportunity to scale back youth justice provision (Children & Young People Now, 2013) while also cutting allied welfare services, meaning that young people who offend, who need a quality service that works to protect them and other people, may not receive one.' (Byrne and Brooks, 2015: 16).

Diversion as an idea is not coherently articulated in policy and thus its implementation is open to interpretation. Practice models are disparate and there is no clear policy to encourage integrated approaches with other services for young people. This thesis explores the perspective that in order to make 'diversion' more effective, as the 2016 review of the YJS has called for, there is a need to understand more about the operation of 'informal' responses. There is a need to seek new understanding of the way that delivery of such models is understood by practitioners and the way it is experienced by service users. A conceptual analysis is then developed by integrating themes from the data. This analysis sits in the context of this literature where the notion of social fields of policy and practice is developed as a useful way to contribute knowledge to the complex issues surrounding the use of these disposals.



## **Chapter 3 – Methodology**

### **Introduction to the chapter**

This chapter sets out the methodology for the primary research presented within the thesis. My intentions in carrying out the research and the questions that can be asked of the data will be explained. The research was designed with areas of interest in mind in relation to extra-judicial responses to young people's offending. This will be expanded upon below in terms of the rationale for the study. The approach to the analysis is primarily inductive and findings have emerged from analysis of the data.

The rationale behind the need for this research which emerged from a balance of my practitioner and academic life will be discussed. The questions that were posed to services users and staff as part of the primary research and my positionality in relation to the research will be explored. There will then be an overview presented about the research process which involved mixed methods to build a case study of practice from which a multi-level analysis has developed.

Ethics in relation to the research processes will be explored. This will include discussion of issues and dilemmas that arose in the course of the study and how these were managed. There is also reflection about these things and my learning about these ethical matters are expanded upon.

Then the experience of administering each of the mixed methods will be set out. This will include the qualitative interviews with service users, the staff focus group and the experience in relation to the quantitative data. The main focus is on qualitative data which it will be seen was most appropriate for understanding experience and how practice was constructed. Also, the process involved with the literature review will be touched upon, as this forms part of the iterative process of what was identified as interesting and what emerged from the data as findings.

The chapter will also present reflection about carrying out a mixed methods study and exploration of this in relation to positionality and balancing the role of practitioner with researcher. I will discuss what I would do differently were I to carry out further research in the future.

The research set out to explore the use of extra-judicial responses to young people's offending behaviour when 'out of court disposals' are given by police. I was interested in exploring the way local authority children and young people's services are involved in decision making about these disposals and also what intervention, or indeed non-intervention, occurs from these services with young people who have committed such an offence. The related notions of diversionary youth justice practice were of interest in terms of how the policy messages played out in practice. I wondered how the policy narrative about diversion in youth justice worked alongside policy that identified offending behaviour as an indicator of risk and how practitioners balanced these messages. This relates to long-standing discourse of 'welfare versus justice' in terms of responses to children's offending.

Diversion as a concept may mean different things to different people and the balance of welfare and justice inherent in these paradigms may vary considerably. A lot of the policy

about diversion focuses on the idea that young people having contact with services in relation to their offending may be unhelpful and can form part of a 'labelling process'. The notion of 'entry' to the Youth Justice System had come about from 2007, as discussed in chapter 1 and has been very influential in terms of diversion which seeks to keep people out of 'the system'. It was of interest to me therefore to understand more about how processes were experienced and what might label a young person. I was interested in how such concerns could be balanced with welfare considerations in terms of offering services to vulnerable young people. It was of interest to understand how 'the system' to which 'entry' was thought to be unhelpful was constructed and experienced by both service users and staff.

It is apparent from the literature that there are many different models for decision making and intervention when young people are being considered for out of court disposals in England and Wales. Some of these arrangements have been in place for many years and examples are discussed in chapter 3. I was aware of practice in LA1 where I worked and I thought that it would be interesting both academically and practically to carry out a case study of practice in the local area, with a particular focus on gathering young people's voices.

At the time the project was designed there was minimal guidance on the use of youth out of court disposals; there were numerous issues highlighted in the literature suggesting concern about some of the practice surrounding these responses. This related in particular to the use of community resolution (CR), where police can carry out the practice without the involvement of young people's services to resolve instances of youth offending. Receiving such a disposal means that the person is not recorded as being a 'First Time Entrant' to the youth justice system (YJS), thus this practice is constructed as being outside 'the system'. Receiving a reprimand or caution did result in being counted as an 'FTE'. There was limited

research about CR practices, others than CJI (2012) and Duckfoot (2012). I became aware that CR was not published in mainstream crime figures. It therefore appeared interesting to be able to access quantitative data about local use of CR, as well as the qualitative perspective of those receiving it. Also I wondered about why some instances were resolved with CR with no referral and yet other people were referred; and why some people became 'FTEs' and others did not.

I designed this research project to explore practice from a 'multi-level' perspective, as McAra (2012) has suggested as needed to advance understanding of young people, crime and diversion from prosecution. As a practitioner I thought in 'ecological' terms about people and their relationships with services as I was aware of Bronfenbrenner's systems theory from training in relation to my work. I wondered about how individuals experienced responses and constructed experiences of diversion. The spheres of influence from Bronfenbrenner (1979) were an interesting way to consider issues of the individual and their social world, at micro, meso, exo and macro levels.

The questions I had about the individual's 'identity' and 'the system' and the way that services related to one another appeared to be relevant to the notions of Bronfenbrenner. I was aware of ideas that 'Identity is a work in progress, a negotiated space between ourselves and others; constantly being reappraised and very much linked to the circulation of cultural meanings in a society...' (Taylor and Spencer, 2004: 4). I became interested in how practice was conceptualised by those delivering work as part of 'the system' (or indeed which services were part of the system and which were not) and how this compared with service user experiences. The intention is that themes emerging from this study will chime with themes from the wider context and thus provide useful analysis which might help wider developments in policy and practice.

## **Rationale and positionality**

The rationale for this study was largely academically based in wanting to understand the experiential perspective of young people and also their parents and carers about receiving out of court disposals to understand more about issues of identity and system contact. I also wanted to hear from staff involved in management and delivery of these services to understand how 'the system' could be understood. I wanted to build insight into the qualitative perspective about the issues discussed above.

However, at the time I also felt that for the project to be 'valid' in terms of my work context that I needed to concern myself with issues of effectiveness of the service that I worked for and other services that we worked in partnership with. In both senses, academic and practical, I was interested in exploring what was helpful or unhelpful to service users in terms of services offered in connection with out of court disposals. Thus there was a degree of 'evaluative' approach combined with the exploratory approach designed into the project. As Brannen (2005) explains, 'Researchers are required to address the needs of research stakeholders and users, with funders framing our research questions and sometimes even our methods' (Brannen, 2005: 6). I wanted to generate something 'useful' for demonstrating the value of our service because managers had supported access to service users and staff and also helped towards the vouchers for the interviewees. I have reflected on the balance of these approaches throughout the life of the project.

I am aware of a wide variety of methodologies from the literature. Many present a deductive approach, for example studies that used randomized experimental designs as Byrne and Brooks (2015) refer to with the mention of the article about a US based study by Petronsino, Turpin-Petronsino and Guckenburg's (2010) or longitudinal approaches such as

the work of the Cambridge Study (Farrington and West, 1990). McAra and McVie (2010) used mixed methods but with a lot of emphasis on quantitative measures. These studies contribute to understanding about risk in young people's lives, but that perpetual service involvement may not always be helpful. Arguably however the 'scientific' approach does little for understanding the processes at work, or the social context of the use of disposals. As France (2015) has suggested there is a lack of children and young people's voice in research about youth justice responses; this project specifically seeks that voice in relation to extra-judicial responses.

I was ecological in my thinking about many aspects of the project and ecological systems theory formed the basis for the interviews with the young people. Also in designing the focus group I hoped to build understanding in terms of practice in systemic context. Whilst I aimed to be primarily inductive in my approach it is important to acknowledge my own positionality. Thorpe (2012) discusses issues of 'positionality' in the context of practitioner research:

'Positionality can be considered within the multi-faceted, complex, and necessary structures surrounding an inquiry before it could or should be engaged (England, 1994; Merriam et al., 2001; Rose, 1997). It can offer a transparency necessary to the perspectives brought to the inquiry or the perspectives that serve to frame it. Conveyance of positionality purports the power structures and social identities of an investigator to fully self-identity their place and position within the scholarship of the field or discipline, and especially to define a clear viewpoint in drawing conclusions and implications from the results of any inquiry.' (Thorpe, 2012).

I started out with views that I held about practice. For example, I wondered whether services were working as well together as they might be in relation to out of court disposals. I

was aware of academic and policy discourse about youth justice and social care as rather separate 'systems'. The structure for the interviews and focus group were led by me and what I thought was interesting. Thus there was a degree to which this was deductive. However, I was aware of this and wanted to work towards as inductive a position as possible. The participants of interviews and focus group were therefore given space in which to discuss and to provide their own meaning to themes raised. The approach to the analysis has been an iterative process which has genuinely been as inductive and open minded as possible. The themes in the findings, particularly those about young people's experiences, have emerged from inductive analysis of the data.

The reflexive process which has taken place during the life of the project has led to moving away from an attempt at carrying out an 'evaluation' concerned with 'what works' to being more confidently rooted a sociological perspective about 'how it works', but attempting to maintain a practical eye on 'what this suggests about how it might work better'. Thus the focus on the inductive aspects of the case study has been strengthened.

Once the data had been gathered, I learned of Bourdieu's notions of 'habitus', 'capital' and 'field'. I developed greater reflexivity about the way social reality may be constructed through the eyes of participants, including myself as a researcher and practitioner. Following much reflection on the methods used within the scope of this case study, the decision has been taken not to include the large scale quantitative data, which I had assembled and analysed from LA1, in the analysis and findings. The reasons for this are detailed below. The data about the interviewees which provided a small quantitative data set is reliable and helpful and so is included in chapter 4 to help set a context for the qualitative analysis. In the case of YP8 there is some ambiguity about which agency she had seen in relation to

receiving a reprimand for cannabis possession, but due to the date of the disposal it is likely this was YOT Early Interventions team.

Bronfenbrenner's ideas of micro, meso, exo, macro systems can be considered alongside Bourdieu as discussed by France et al (2012) which has been explored in chapter 1. They have related notions of habitus, capital and field to the way that young people and their relationship with crime may be understood. This perspective is developed in the findings chapters and the conceptual implications are summarised in chapter 6.

It has been very interesting to discover at write up stage the research of France et al (2012) which adopted a similar methodology (albeit on a larger scale) to understanding more about the ecological relationships of youth and crime. 'Young people's pathways and relationships and encounters with crime were therefore explored using semi-structured interviews, time-line maps (monitoring significant life events and engagement with service providers) and eco-maps (mapping young people's personal and professional relationships).' (France, 2015: 79). This helps to frame the qualitative approach taken in this study which seeks to understand out of court responses specifically.

Costa and Murphy (2015) explain that Wacquant (2013) proposed three possible approaches to understanding 'habitus' in a particular setting; one of these particularly resonates with the approach I have adopted in the analysis of the primary data 'a synchronic and inductive method that allows one to 'trace out connections between patterns of preferences, expressions and social strategies within and across realms of activity so as to infer their shared matrix.' (Costa and Murphy, 2015: 8). For example, in this context the similarities and differences in young people/parental/carer and 'professional' perspectives



can be considered and also quantitative information from local authority data systems about the interviewees can be integrated into the same critical analysis. The data can be explored to see where there is congruence and where there is mismatch.

### **An overview different methods involved**

I had decided to carry out a mixed methods case study of practice within my local authority. I was aware of mixed methods research from the Edinburgh Study (McAra and McVie, 2010) which was discussed in chapter 2. Bell (2010) explains that 'Case study researchers aim to...identify or to attempt to identify the various interactive processes at work, to show they affect the implementation of systems and influence the way an organisation functions...In his 1981 paper on the relative merits of the search for generalization and the study of single events, Bassey preferred to use the term 'reliability' rather than 'generalizability'.' (Bell, 2010: 9.) This is akin to the intention here, to provide an illumination of practice in one area, with the extension of a conceptual framework to develop understanding of practice in relation to out of court disposals. The hope is that this discussion will be relatable for others in their own settings and for considering the context of other existing research and policy development.

The mixed methods I used were:

- a. Qualitative interview with service users which were semi-structured and also included some use of visual methods

I set out my intentions for interviewing young people and their parent/carers who had received out of court disposals in LA1 in my research proposal. I hoped that by interviewing service users I would be able to gain the voice of people who are little heard of in the existing literature. I wanted to understand more about the way they constructed issues of self and system contact, as well as issues of how their personal and social need was addressed by diversionary responses. Indeed, Silverman writes about the work of Bridget Byrne, where 'Drawing upon feminism, she suggests that "qualitative interviewing has been particularly attractive to researchers who want to explore voices and experiences which they believe have been ignored, misrepresented or suppressed in the past." (2004: 182)' (Silverman, 2006: 114).

I decided to use semi-structured interviews. I also included some visual approaches with a view to supporting participatory methods with the young people. The idea was to add another aspect to understanding participants' sense of self and their worlds. I was interested in the possibility of adding 'a deeper and more subtle exploration of social contexts and relationships...' (Spencer, 2011: 1). Also, I hoped that it would add an element of fun that would be a way to engage the young people in the process. Please see appendix 1 for example interview schedule and appendix 3 for copies of information sheets and consent forms for young people and parent/carers. Also, the information sheet and consent form used for staff acting as gatekeepers to service user participants is included at appendix 9.

#### b. Qualitative focus groups with staff and managers

I also wanted to carry out focus groups with staff and managers so I could gather their perspectives. Bell (2010) explains that focus groups can be useful:

‘Focus groups are undoubtedly valuable when in-depth information is needed about how people think about an issue – their reasoning about why things are as they are, why they hold the views they do’ (Laws, 2003: 299.)’ (Bell, 2010: 166).

I held one focus group with six staff (five from TYS and one from YOT). The approach taken was very similar to that taken with service users, to take a participative approach with a semi-structured interview schedule designed to explore the experiences of practitioners and managers.

This was designed to explore issues of how people constructed the use of out of court disposals alongside notions of adolescent risk and how ‘diversion’ was understood in practice. Issues of TYS and YOT and ‘Early Help’ were explored to see how people constructed their practice narratives. Please see appendix 2 for focus group themes and appendix 10 for information sheet and consent form used for focus group participants.

- c. Quantitative data about which out of court disposals were used, for which offences between April 2012 and March 2014 and which services were involved in these disposals.

I was interested in what quantitative data was available about the use of community resolution, reprimand, final warning, caution and conditional caution. I was also interested in the involvement of services in decision making. I wondered about ‘First Time Entrants’ and wanted to know more about who these young people were and whether they had wider children and young people’s service contact. I had hoped that this data would be readily available via YOT information and data routes and clearly organised and that it would sit alongside the qualitative data.

My understanding and confidence about adopting a qualitative approach has developed during the process of this study. I have realised that the use of quantitative data to 'evaluate' practice in this very literal sense was somewhat epistemologically different to the rest of the study. I had not recognised these tensions at the stage of research design.

There were also significant issues with the reliability of the data once an attempt had been made to integrate it to give a sense of the ordering of the offences, which services had been involved and indeed which disposals had actually been recorded in some cases. More detail about the complexity of this information is described below. For these reasons this data is not included in the final version of the thesis.

- d. Small quantitative data to be gathered from service user's records held by TYS, YOT and social care to form quantitative data on contact with services.

To find out more detail about 'service contact' I asked interviewees if I could check data systems to see what information was held about them, to code the information into quantitative form to create a data set that would help to understand their contact with services. The idea of looking at data systems was to explore narratives around 'system entry' where someone may have been 'diverted' from 'entry' to the YJS and yet had involvement from social care and TYS. The idea was to explore how risk was defined across a range of services and whether the FTE target was driving a helpful response to adolescent need and risk. (See appendix 3.d and 4 for detail of what was gathered about service users and the coding frame applied in analysing this).

Fieldwork for the project began in early 2014. The process of trying to identify service users and staff to take part in the research began. Discussions about the accessing the quantitative data also got underway.

The study fieldwork resulted in fourteen service user interviews. Two interviews were young person and their parent together, one interview was a parent alone and the other eleven interviews were with the young person only. I also carried out one focus group with six staff that is also explained in more detail below. In addition to this lists about young people and disposals were sent to me.

### **Ethics in practice**

This section of the chapter explores some of the issues and dilemmas that arose in the course of the study. Ethical approval was sought via the research governance committee in LA1 and from the University of Bedfordshire. This chapter does not repeat the contents of the research proposal but explores how I addressed the ethical principles that I had set out as important.

### **Issues of consent and choice to participate**

Great care was taken around all ethical issues of consent and confidentiality and understanding of this process. Parental consent was gained for all under 16s.

Over 16s all signed their own consent forms and received information as detailed in the research governance process. The information sheets and consent forms for service user participants can be found at appendix 3. All people took part in a discussion about the project on the phone and then face to face before the interview began. In some cases I had mentioned the project to young people and families as I was closing with them to ask if they would be willing for me to phone them about the project. Several people opted out at that stage or if identified by other gatekeepers they opted out at the phone call stage. The people who attended discussion did all decide to take part in the interview.

Gatekeepers signed their own consent forms to say they had understood the project and were willingly mentioning the project to service users and to pass their details to me. These can be seen at appendix 9.

Service user participants received a £10 voucher at the start of the interview. This covered the costs of attending the venue and refreshment costs. The £10 vouchers were 50% funded by LA1 and 50% by me. It was made clear that people would receive a voucher for attending and that they would receive this whether they took part in the interview or not. A lot of care was taken with explaining the voluntary nature of the project.

At the start of each interview I emphasised that people could stop the interview at any time to ask questions or leave the interview, the interview would last as long as they felt they wanted it to take part or indeed to continue to take part. In one case the interview was stopped mid-way through and resumed and in another case the interview was stopped altogether as the young person did not seem ready to discuss what was going on. Thus high ethical standards were applied which put young people and parent/carer needs first in this process.

I explained the central issue was about out of court disposals but gave people an overview of the kinds of things in the schedule to put them at ease and reassure them. I clearly explained I was not going to ask probing questions that explored more about difficult experiences than they were forthcoming about and that they could say as much or as little as they wanted. I explained that at some points they would be asked if they would like to draw but that this was entirely up to them (and that no expectation for 'works of art'.) I tried as much as possible to put people at their ease. I explained they could ask to hear the recording back. I explained that all names of people, areas, workers and schools would be removed; but names of services would remain in. I explained if they wanted to remove anything they had said at the end or in the few days following the interview then that would be fine and to let me know.

This was also the case in terms of staff participants who received full project information before the focus group took place. All had taken part in a discussion had signed consent forms and received full information about the project. These can be seen at appendix 10.

### Issues of confidentiality

All young people and parents received clear information about the project in terms of anonymity and confidentiality. It was made clear that any identifiable information would be removed from transcripts. Boundaries to confidentiality were made clear in terms of information about risk of harm and undetected crime. Understanding was checked out again before interviews started.

This was also the case for the staff focus group. Ground rules were established at the start of the session around information about risk of harm or crime, respectful conduct and agreeing boundaries to confidentiality. I reminded people that although their names would be removed that their job roles would be included, thus leaving the potential for them to be identified.

#### Issues of dealing with difficult subject matter

There were some disclosures re alleged incidents with police where people said they felt the police had been excessively forceful or threatening. The accounts given did not involve specific names or dates and were essentially anecdotal; all participants were asked if there was anything they wished to follow up about these issues once the interviews had ended and they said no. The accounts suggested parents had been aware in all cases.

There were two references to sexual harassment by young women aged 17 at time of interview. It was checked at the end of the interviews and gatekeepers that these things had been followed up by appropriate agencies. Social care were aware of the disclosures; in one case the young woman was still working with TYS (worker aware) and in one case with a keyworker who worked as part of TYS and social care (worker aware).

Young people were offered follow up support about any issues that were identified, for example, a further two cases where I felt there was a narrative about vulnerability to child sexual exploitation but this was not expressed clearly. One young man said to me he did not want or need any support (age 17) and one young woman had a TYS worker but did not want any other follow up (age 16.) There was only a general level of information and not what would demand a safeguarding response. Nevertheless this was not easy to deal with as a researcher as I was left with concern that the worlds of these young people were far



from safe, with a sense of personality vulnerability, low family support network and low confidence in professional support.

### **Approach to the literature review**

The approach taken to the literature review is essentially a narrative review which has grown from several years of study about preventive youth justice processes. As Bryman (2016) explains the narrative review is where a researcher 'seeks to arrive at an overview of a field of study through a reasonably comprehensive assessment and critical interpretation of the literature.' (Bryman: 2016: 91).

There is a degree to which the literature review has been part of the iterative process involved in the formation of research approach and to analysis of the data. Reviewing the literature at various stages has formed part of the development of ideas and conceptual understanding. In terms of a research 'question' which framed the review process at the research proposal stage, I did not conduct the review to answer a question as such but rather to explore and illuminate issues for further study in trying to improve responses by services to young people's offending. I was interested in the cross-over between the 'youth justice literature' about diversion and attempts to address multi-dimensional need in young people's lives, such as Targeted Youth Support policy as discussed in O'Mara (2010). Combined with my practice experience (where services were being merged form for integrated youth support service) this led me to thinking about this as an interesting topic for further exploration.

My thinking developed along lines in terms of understanding the practice from an ecological viewpoint which sat with my practice narrative. Thus the review developed to

explore my ideas and the ideas of others who had already written on this or related topics.

This review was used to frame the research proposal and thus the primary research that has taken place. In the analysis process, I have revisited the literature review, particularly in updating the current policy context and also in developing the conceptual framework for the thesis.

I have then looked to develop conceptual understanding by considering the work of Bronfenbrenner (who I was aware of from practice) whose 'ecological system's theory' was used as a loose framework for the interview structures (see figure 3.1). I then became aware of the work of Bourdieu through my time on the course. Through a process of analysis of the primary data and supervision, I noticed the usefulness of his 'thinking tools' to understanding the data. Thus to some extent this stage of the review helps to answer the question of how we can conceptualise complex practice which in some ways has no definitive 'right or wrong' but does have huge significance for the lives of young people. In the later phases of the project I have been exploring the recent development of literature about how Bronfenbrenner and Bourdieu have been considered in a youth justice context, discovering that these ideas are being related in the idea of a 'political ecology' of youth crime (France et al, 2012), which resonated with my research approach and positionality. I then developed these ideas by applying them to the analysis of the primary data, and so extending them to focus specifically on how they can help us understand more about 'diversion' and extra-judicial responses to young people's offending.

## **The experience of carrying out the research**

### **Research with service users**

Just before the research proposal was being submitted there was a change in the way that Pathways were run. As explained in the introduction, the assessment sessions moved back from the service I worked for, TYS, to YOT who had carried out this work before 'TYS' had been formed. This change meant that access to service users shifted from what I had imagined when I first designed the project. I had amended the research proposal before submission to allow for the changes. I had high hopes for identifying the participants as set out in the proposal via YOT as described above with the aim that the bulk of interviewees would come through randomly from Pathways, with the project being mentioned at these sessions.

### The Sample

It had been my plan to have a sample of 30 interviewees; with 10 who had received each disposal. It has always been the plan to allow either TYS or YOT to act as gatekeepers so this had been designed into the ethics application. In reality YOT identified the parent in interview 13 and supported access to person 14 (but who already knew me through my work role). YOT had suggested some other possible participants but they chose not to take part when I contacted them. The other interviewees were identified via TYS gatekeepers. All ethical standards were maintained whichever route people gave their consent to be contacted about the study.

In around a third of the cases I was in contact with participants through my professional role, others were identified via colleagues who were aware a young person they were working with had received an out of court disposal in the past and so they were able to provide them with project information and pass their details to me with their express and specific consent. All staff acting in this way took part in a discussion about the project and themselves expressly consented to act as gatekeepers.

It was made clear young people or their parent/carers could take part in the interview either alone or together. In one case a parent took part without her son as he did not want to attend the interview. In two cases parents were interviewed with the young person. The other 11 cases were of young people being interviewed alone. Young people are referred to as 'YP' and parents as 'Parent of YP'.

Most of the interviews took place at our 'TYS Hub'. This was a youth hub space. This was the place some of the interviewees would have received their Pathway assessment. (For one person this was the same room that she had attended for Pathway.) One interview took place at the people's home (YP9). Two took place at Children's Service's building (YP5 and YP10) as this suited people best and one was done at a YOT office (YP14).

The reality of the sample is that of a convenience sample in terms of the disposals the participants had received, yet in fact the disposals received do represent a very varied range of possible disposals.

**Table 3.1 – Interviewees’ demographics, disposals and gatekeeper information**

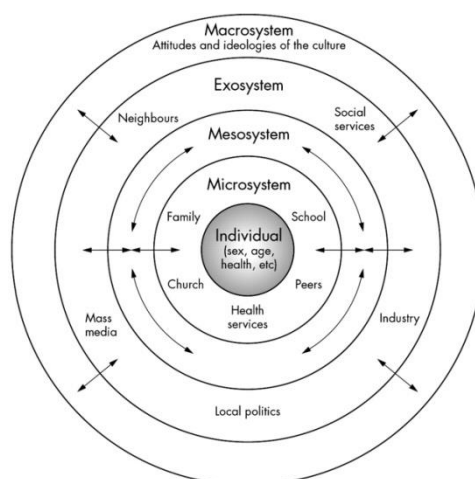
No.	Gender, age at interview and ethnicity	Disposals which identified person as suitable for project	Gatekeeper
1	Female, 15, White British	Caution – YOT EI - violence 3	Other TYS worker
2	Male, 16, White British	Final warning – YOT – criminal damage - 2	Via researcher (part of exit.)
3	Male, 16, White British	CR police-only – theft - 3	Other TYS worker
4 with mum	Female, 15, White British	CR – TYS - Theft – 3	Other TYS worker
5	Male, 16, White British	Caution – TYS – violence - 3	Other TYS worker
6	Male, 16, White British	CR – YOT EI - possession of cannabis - 2	Via researcher (as part of exit with the young person.)
7	Female, 16, White British	CR police-only – theft – 3	Other TYS worker
8	Female, 17, White British	Reprimand – unclear re agency – likely YOT EI - possession of cannabis – 2	Other TYS worker

9	Male, 15, White British	Final warning - TYS – criminal damage	Via researcher (as part of exit with the family.)
10	Female, 17, White British	Caution – TYS theft – 3	Via keyworker who worked with TYS and social care (already known to researcher)
11 with dad	M, 15, White British	CR police-only – violence – 3	Via researcher (as part of exit)
12	Male, 17, White British	CR – TYS – theft – 3	Via researcher (as part of exit with the family.)
13	Male, 15, White British	Conditional caution – YOT EI - cannabis intent to supply – 4	Via YOT EI
14	Female, 15, White British	CR police-only – theft - 3	Via YOT court work (already known to researcher)

### The interview process

Interviewees were all asked to create a drawing of 'their world' on flip chart paper with marker pens. Most interviewees completed this. All young people took part other than YP11 and YP14; YP11 said he did want to draw and preferred to talk about his experiences; YP14 became upset during the interview so it was not continued. The focus was not solely on the illustration but was largely on the discussion that took place between me and the interviewees. The drawing or writing complimented the discussion. See appendix 7 for the pictures young people drew.

The prompts in terms of the discussion and the drawings were based loosely on ecological systems theory. In some of the interviews I described this to young people and asked their thoughts about the various spheres of influence, in some I showed them a picture of this. I prompted the young people about the same things (family, people you socialize with or spend time with, community or community groups, environment, education, services, - usually but not always about 'media').



**Figure 3.1 – Ecological Systems theory** ('Bronfenbrenner's Ecological Theory of Development (English).jpg', 2012)

Some things came up naturally without prompting. This included peers, family issues, personal relationships, importance of GCSEs, substance use and fear of or involvement in conflict in social space. This will be explored in the analysis of the data.

In addition to this interviewees produced a drawn time line to represent their contact with services which was used to help the people to recall their perceptions of services and system contact and also 'significant events' (other than YP12). I asked people to describe events and significant things that have happened in the past two years (or as far back as they had chosen to go on their timeline); 'good things' that had happened and what 'not so good' things had happened. I asked about things they had already told me about to see if they would go onto the timeline as 'significant', such as having girlfriend with interview 5 as he had already talked about this quite a bit as part of his world. This is an example of how a semi-structured interview was useful as I could follow what was of interest to the participant rather than following set questions. I also asked whether anything had changed about them as a person (some interviews this was separated out with the words sheet afterwards). I also asked about family, school/college, peers and services if these had not been mentioned. These timelines can be seen in figures 4.2 to 4.7 and 4.9 to 4.12.

If people did not mention disposals then I did not bring them up under 'significant' events. This was designed to prevent 'labelling' processes and making more of something that the person was ready to move on from. This meant that several young people did not talk about their 'CRs' at all. It is left unclear whether they knew they had been recorded as receiving 'CR'. This has only occurred to me in the analysis process.

In some of the interviews I used a series of images of young people in various contexts. The images have been redacted from appendix 5 in the final version. I had a



change of approach about this during the life of the project. Essentially this was an attempt to encourage the young people to engage in the project and tell me if anything of significance for them came out of the pictures. In fact these sections of the interviews did not produce much and tended to lead to one or two word answers so I revised this out of the schedule after around the fourth interview. Also I decided that by choosing these images myself this was not actually participative or helping me to see the world through the eyes of the interviewees.

Also, in most interviews I used a worksheet from an educational book 'Words to Describe Me' (Bates, 1996). People used this to describe themselves a year ago (or two years ago depending how long ago their timeline had gone back) and to describe themselves now. They could circle or just discuss with me to help them to think about how they would describe themselves before or after contact with services. On reflection I think that there was some interesting conversation generated by this but I wonder whether there was a tendency to want to suggest a narrative of positive change. I think on reflection that to do this approach justice a real focus would be needed on supporting service users to express their own feelings about their own identities. It might be that a different and longer term approach might be needed to gain more insight into this.

In some interviews I asked about the impact on behaviour change of various services. This tended to produce fairly stock responses and actually did not sit epistemologically with the rest of my approach. I think I did this in some way to hope to be able to make the project 'useful' to my work setting in terms of demonstrating impact of services.

The interviews were all concluded by looking to the future. This was included purposefully to draw an ending to the discussion about the past. Most young people then spoke about future plans about college, or work, or getting married. This related to a theme

of 'transition' which emerged from the data. In some cases there was much less sense of the future, where perhaps there was less choice or control over what the future would hold.

The interviews have produced what I believe to be a rich source of primary qualitative data which talk about the use of out of court disposals, contact with services, experiences of adversity and risk, what has influenced their lives in a positive or negative way and what their hopes were for the future.

### Analysing the data

Interviews were transcribed and fully anonymised including names of service users or members of staff, areas and schools. A coding system was created for schools and areas so that trends could be noted when areas came up more than once.

Service names were not coded as these were relevant to understanding the nature of the system as key to the research themes. Schools and colleges were coded to protect anonymity of participants and also to avoid any labelling processes. Staff names were taken out as it was not the intention of the project to evaluate individual practice.

A reflexive process was taking place throughout and notes were made about possible themes. When all fourteen interviews were completed I began the analysis of the interviews using Nvivo. A lot of thought went into deciding how best to begin an analytic process with Nvivo. I grew in awareness about the degree to which I was bringing myself, from a personal and professional perspective into the whole process.

I created a coding frame which was based on the interview schedules and existing reflections on themes that had arisen from the interviews. This was used to give some structure to the process. This was loosely based on the ideas from systems theory about

influences of various spheres of life that I had used as part of the interviews and also exploring ideas from 'labelling' theory to explore issues of self-perception and change and contact with services. I then used NVivo to aid the process of developing themes through highlighting the text and moving into 'nodes'. I used an iterative process where I coded each interview in this way.

As Srivastava and Hopwood (2009) continue,

'The role of iteration, not as a repetitive mechanical task but as a deeply reflexive process, is key to sparking insight and developing meaning. Reflexive iteration is at the heart of visiting and revisiting the data and connecting them with emerging insights, progressively leading to refined focus and understandings.' (Srivastava and Hopwood, 2009).

There has been much contemplation and reflection involved in this process. A process of iterative coding occurred, going back through the 14 interviews to make sure all the emerging themes had been considered for each interview. This process means that by the time I had finished coding the fourteenth interview there are now many more branches than I had started with, organised under a hierarchy of nodes.

Also, the process of exploring the meaning from the images began. This has been kept as straightforward as possible and is not an attempt to employ an in-depth visual methodology but rather as a strategy for engagement and expression. To carry out the analysis all images were photographed and copied into a word document. Any identifying information was blanked out. I picked out all the words from both the 'My World' pictures and the timelines.

The themes from the interviews and visual data will be pulled together in the analysis below. They correlated with each other. Ideas from Bronfenbrenner and Bourdieu, as discussed in France et al (2012) as useful for developing an ecological understanding of young people and crime will be taken forwards to allow for the mixed methods data to be brought together.

### Research with staff

#### The sample

Once research governance approval had been granted I contacted members of TYS and YOT in the side of the county I worked in by email to see if they were interested in taking part. A group of colleagues were willing to take part. The group took place in 2014.

The role of the six people in the session (in order of how they sat around the table in the session) were:

1 Senior TYS worker

2 TYS Worker

3 Team co-ordinator TYS

4 Practice manager TYS

5 Senior Practitioner/Volunteer co-ordinator YOT Early intervention and RJ team

6 Senior TYS worker

### The focus group process

After introductions to the project and ground rules had been agreed, I wrote the themes for discussion on some flip chart so that people would be aware of an 'agenda' for the session. There was not a questioning schedule as such, but rather a discussion took place around the themes noted above. This was intended to promote a participative approach.

I did start by asking the group to map out a picture of how services TYS, YOT and social care were structured locally so as to explain this to people not from our area, which is shown at figure 4.8. I also asked them to draw out a representation of the system in relation to out of court disposals, which is shown at figure 4.1. It is relevant to note that the group also created a drawing of who was involved in 'Early Help' locally. During the write up of the project it feels that including this image did not add to the central discussion in the thesis. It seemed to over-complicate the discussion in chapter 4 so this is now included as appendix 11. The images were intended to be useful for framing the rest of the data and for helping people to express their ideas and reach collective expression of what their thoughts. In the analysis it has become interesting for comparing service user narratives and staff perceptions. The discussion lasted about an hour and a half. I later transcribed the session.

Colleagues knew each other and they expressed an interest in findings of the study. I think that the hopes of practitioners were much like mine when I had started the project that there would be data that would reveal a best way of working or a 'truth' about outcomes following certain service responses. In fact what has developed is much more of an observation about the operation of 'the system'.

### Analysing the data

Initially I transcribed the session and then coded the themes manually by highlighting text. As there was only one group I decided not to use Nvivo. I made some notes about what I noticed. This included decision making and what effects it and perceived differences in practice from YOT and TYS. There was a strong collective sense that 'diversion' was right, albeit people had different ideas about what diversion is. There was also discussion about how some policy influences practice.

Through coding and consideration of the data, a reflexive process has taken place. Notions from ecological theory, which I had applied in the service user interviews, has been applied to analysis of this information also. The development of my awareness of Bourdieu's thinking tools has brought me to a place of reflexivity about the data and the what it suggests about the construction of services as social fields and the habitus of capital of staff involved in the delivery. I revised the coding frame with an increasing awareness of the concepts of Bourdieu in relation to the data.

This has included the analysis of the visual data. Three images were produced; the depiction of a ladder of disposals which were said to be available for responding to young people's offending, a drawing of how TYS, YOT and social care sit together and a picture to show who was part of 'early help' in LA1 at the time. The latter is included as appendix 11 as it did not seem to help the flow of the discussion in chapter 4. Essentially it is notable that the YOT early intervention team were not included in this group.

Broad initial themes from the focus group were paired down to four main themes with relevance for research questions:

- a. Perceptions about disposals available as responses to offending behaviour by young people – constructions of ‘diversion’.
- b. Decision making and what affects it – thinking about fields, habitus and capital and risk in young people’s lives.
- c. Services and social fields – the way services are structured and how this is constructed through practice rationale
- d. How policy may influence practice – thus how the macro level may influence the exo, meso and micro levels in terms of ‘systems’.

This has then been possible to compare thematically with the other data with significant themes around ‘diversion’ and what this means in practice and how policy may influence practice, a sense of social fields of service responses in terms of out of court responses but also more broadly and how risk and need in young people’s lives is constructed.

### Quantitative data

#### Collecting, cleaning and coding

I contacted YOT Data and Information in March 2014. I asked for data to show which out of court disposals had been used with 10-17 year olds in LA1 between 1<sup>st</sup> April 2012 and 31<sup>st</sup> March 2014. I hoped that would provide an adequate timescale from which a good sense of the use of these disposals could be observed. I was then sent information about young people and their disposals on excel spreadsheets. I received five different lists on these separate spreadsheets. Each list contained slightly different headings.

The lists were:

- a. 'First time entrants to the youth justice system in 2012-14' (315 people on this list). Of the FTEs 70 people never received an out of court disposal. There are some peculiarities in who was included in the lists as some of those included were already apparently FTEs when data systems were checked.
- b. 'People receiving community resolution 2012– 13' (524 people on this list) and '13 – 14' (396 people on this list.)

I was later sent a list by TYS information management in early 2017 of CRs in 12 – 13 (578 people on this list) and 13 – 14 (413 people.) It may be that some of the disposals had not come through when the list was first generated in April 2014.

Neither list showed whether the CRs were following a pathway or a police-only disposal.

- c. 'CR on YOIS' – this is a list of 368 occurrences – yet the same people appear several times on the list and it is not clear why this is – 289 people are on it. This seemed to indicate when a CR had followed a Pathway as the YOT had recorded a contact. Unfortunately this did not appear to be happen every time and so there were some gaps in being able to rely on this as a way to know who had been referred in and who had not.
- d. 'Pre-court 2012-14' – 411 young people on this list. 125 had not appeared on a CR list or an FTE list. This suggests they had received out of court disposals and were already FTEs. Not everyone on the CR lists appears on this list and this is not clear why.



I began a process to integrate the lists so that each individual would appear once and their offending events and disposals would be listed chronologically for each individual. Thus each young person was given a case 'id'.

This process was not possible to complete accurately because it required checking two data systems manually and going back through notes for over one thousand people. This was therefore open to human error. Also, there were some inherent inaccuracies in the data for the purposes that I had hoped to use it. For example, there were instances where dates or type of disposal were not clearly recorded or there were discrepancies between what the data systems suggested. It was not always possible to know which agency had been involved in the decision-making about the disposals. I had attempted to make sense of what was there and pulled together some tables to illustrate what might have been interesting about the data. These tables are included at appendix 13:

- The use of community resolution for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> offences 2012 –14 in LA1
- Offence types and disposals; first, second and third offences 2012 – 2014
- Disposals for possession of cannabis 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> disposals by ethnicity and gender 2012 – 14

They indicate some potentially interesting things about the use of CR by police-only, about the way that some people may receive more out of court disposals than others and then had the potential to be used to show how certain offences types were responded to when ethnicity and gender are considered. However, the nature of the inaccuracies in the data it is not possible to make any reliable conclusions about practice. It is interesting in that it shows the complexity of how data about people is held by local authority Children's Services and how this does not always match well together. This could be an interesting subject for exploration in the future.

## Small quantitative data on interviewees

### Collecting, cleaning and coding

Each interviewee consented to me checking TYS, YOT, social care systems to view some information about them. I explained that I was going to use the information to understand their contact with services and disposals received before, during and after the out of court disposals which I would do by using numbers. In the examples of the interviews the recording was clear and it was possible to see the order of the disposals and which agencies were involved.

I created a coding frame for this. As part of the process of making me aware of a possible participants, gatekeepers had made me aware of a disposal the person had received that made them eligible to take part. This was intended to help me think about the sample. I used this disposal as the 'main' disposal for purposes of looking at before, during and after sense of service contact.

I looked at YOT data system and got a list of disposals and dates. I considered the incident that had been identified as the reason for eligibility by the gatekeeper in the consent process. I then looked at previous and subsequent offences. In terms of out of court disposals I looked at whether the person received a response from YOT in relation to the disposal or not and coded the length of involvement as a result of the disposal (from no contact to over a year). I also coded any contacts with YOT before, and after this incident. In looking at these I considered if these disposals would have meant they were an FTE before, during or after.

I looked at social care system and whether the person had had no contact, contacts only, an assessment under the Children Act 1989, had ever had a child protection plan or were or had ever been a 'child looked after' by the LA or if they were in a special guardianship or similar arrangement. I coded this contact and classified this (before, during and after).

I looked at TYS data system and considered the incident that had been identified as the reason for eligibility by the gatekeeper in the consent process. I looked at whether the person received a response from TYS in relation to the disposal or not and coded the length of involvement as a result of the disposal (from no contact to over a year.) I also looked whether the person had contact with TYS before, during/concurrent but not joined up with the disposal or after the disposal).

This helps to understand the person in context of their 'system contact' in a broader sense than that which it is usually thought of in YJS terms, where the emphasis is about contact with YOT. Contact with police, social care, drug services, educational services and so on do not count as part of 'the system' for the purposes of the FTE target. The information is interesting to compare with the experiential perspectives of the young people. The coding frame can be found at appendix 4. The data is presented in chapter 4 using some words rather than numbers about names of services and disposals to make the information easier to understand.

### **Analysing the data**

This data has been used to provide context to the interviews. It supports the idea that system contact was far broader than the 'FTE' target and diversionary youth justice policy would suggest. It also offers perspective about the way agencies had recorded contact with separate fields of service provision.

There is the important point to consider here that by nature of their contact with a gatekeeper these young people had some contact with services. Thus they are not representative of the whole group of young people receiving disposals. It does feel that there is quite a good sample here in terms of various levels of service contact the participants had, as well as the range of disposals they had had. There is good representation of male/female demographic in the sample. There was, however, no representation of people from BAME groups.

### **Integrating the mixed methods data**

Each type of data has generated themes; these themes will be compared using ecological systems theory of Bronfenbrenner (1979) that were used in the interviews (micro, meso, exo and macro level systems) and then integrated in the discussion with using Bourdieu's 'thinking tools' of habitus, capital and field (see Grenfell, 2012). This framework was used to triangulate the data, as Silverman (2006) explains, 'Triangulation usually refers to combining multiple theories, methods, observers, and empirical materials to produce more accurate, comprehensive and objective representation of the object of study.' (Silverman, 2006: 291).

Each of the sets of data was considered in terms of the themes that had been generated. Then each theme was considered in terms of ecological systems and Bourdieu's notions of habitus, doxa, capital and social fields. This led to two areas of findings. The first of these was 'Insight into social fields of the system'. The second was 'Insight into perceptions about habitus and field of young people and their worlds'. These therefore became the focus for chapters 4 and 5. Please see appendix 6 for framework for analyzing the mixed methods data.

### **Reflections and 'What I would do differently'**

This part of the methodology explores reflections about the research process and considers what I would have done differently. Knowing what I know now in terms of my own positionality and practical concerns I would make the research design a lot simpler. I think that the mixed methods approach has generated some very interesting material, however I think that this may have overcomplicated the essential aim of gaining young people's voice about the processes they experienced.

### **Interviews**

Although the sample was not as big as planned or as randomly distributed in terms of disposals, I feel happy with the sample. I now think that the plan to interview more people and to be prescriptive about which disposals they had received was not necessary. It seems that it is quality rather than quantity that counts here. The interviewees are not ethnically

diverse and this could be helpful to improve on. There was a good balance on male and female and of different offence types and disposals.

In designing the interviews I had both the approach of trying to understand more about the social ecology of young people's lives, but also to look at the impact of interventions. Thus I had included questions loosely based on our service questionnaires within many of the interviews. I think that this is an example of a tension between being a practitioner and an academic researcher. On one hand I wanted to help work by producing information about 'effectiveness' and 'outcomes'; on the other I was trying to carry out an inductive study that placed young people's voice at its heart. In fact this tension may have been somewhat self-generated as the service user narratives and images do themselves provide rich information about services and helpfulness.

I would simplify the interview schedules in any future research. I would use less resources within the interviews. For example the scaling activity about the change due to service contact and 'words to describe me' sheet (see Bates, 1996) could have been left out to allow people more space to fill in the meanings of events.

I would use the creation of images again as this has generated interesting insight. It could be very interesting to do some more work with young people to explore identity and 'system contact' through visual means. I had hoped to understand a qualitative perspective about this in greater depth as this is a gap in research about out of court disposals and diversion. It became apparent that to do justice to an attempt at building a visual insight into identity of participants it would seem likely that several sessions may be needed and perhaps more choice over materials and setting. The interviews and the images produced are nevertheless valid and interesting in the sense that they are snap shot views of the moment in which they were produced and they accompanied by a rich qualitative narrative in which service users did express their voices.

I was careful not to make the interview challenging or distressing and so perhaps I did not ask for clarity on some issues at times. I also think that I would ask for more detail about the processes they experienced. In relation to this I would think carefully about the ethics of informing people that they had a disposal if they did not appear to be aware. I think I would access more supervision about this and whether in fact it would be more ethically sound to express this to the participant. This has developed with the benefit of hindsight and in some ways the learning from the research about significance which is discussed in chapter 5. The ethics design for project had considered that 'significance' of a disposal would likely be detrimental. I now wonder in fact whether it was right for people to have a clear understanding of which outcomes had been recorded.

I also wondered about the location of the interviews and understanding a 'sense of self'; this could potentially have an impact on the way the person was feeling. I had intended to find 'neutral' venues when designing the ethics for the projects. When I explored this with participants they chose the locations they had met with TYS and YOT as the place to meet for discussion about the project and then to continue to interview stage if they wished to. I did offer to find other locations but these were said to be most convenient to them. I do not think that this reduces the relevance of the interview data but I do think it is important to be aware of when developing an analysis. In future I might be more careful about location of interviews.

The brief nature of these interviews meant that the deeper analysis of things like this could not be followed up on, for example paradox re image of family but not feeling family were part of her world for YP7. There has been no opportunity to return to interviewees to check out the meaning I have ascribed in the analysis. With a different research design where participants might re-visit their interview data things such as this could be followed up on.

There was variation in terms of whether the person knew me through work or not; it is possible that knowing the researcher helped people to feel relaxed; although it is also possible that it made it difficult to give a true opinion about the services they received. This study grew away from trying to understand the effectiveness of a particular service and grew more confident about understanding the wider context of the young person's social context and where youth justice system responses sit in this wider world. A reflexive approach that acknowledges the need to realise the data as representative of views and feelings in that time and place and in that relational context can help to contextualise the interview data.

#### Research with staff

In terms of the staff data I am happy with the focus group. I would have liked to have had some more colleagues from YOT at the session. Also I would like to involve someone from the police service in the process so that their views could be included.

#### Quantitative data

At the time I designed the project I thought I would be able to ask for data that would be readily gathered to show which disposals were being used, in what order and which services were involved with the decision making processes. As detailed above this was not the case and it has not been possible to correlate the lists I received. Also, I have become more critically aware of the methods I have used and have more confidence in the qualitative approach to understanding how people construct the social world.



If I were sent a data set like this again, I would clean and code it as separate spreadsheets so that a representation of the data as it was held would emerge. I would also consider more closely whether such data is needed for a largely qualitative study which is interested in the experiences of participants. On reflection this data has been left out of the final thesis because it is not reliable and also it takes away from the strong qualitative focus of the analysis.

Some small quantitative data about the interviewees remains included in chapter 4, because it helps to frame the experiential data and it is reliable. This is presented in table 4.1 to show the order of the offences people had received disposals for, which disposals they had received and which agency (TYS, YOT or police-only) the young person had seen. (In the case of YYS and YOT contacts for 'Pathways', the young person would also see the police at the time of arrest and to receive the disposal). Also, table 4.2 shows which interviewees had contact with children's social care before receiving the disposals and what kind of involvement they had had. This illustrates that many of the interviewees had personal and social needs that had required social work intervention. A further chart which shows information about young people who went on to receive court orders and their prior social care contact is included at appendix 12 because it is not central to the flow of the discussion around out of court disposals.

### Reflections on analysis

The process of integrating the data has been helped greatly by returning to the ideas used as a foundation for the interviews of ecological systems. I have also found it invaluable to apply a reflexive position that developed further from reading about Bourdieu's thinking tools. This has allowed for the process of triangulating the mixed methods data into an

analysis which I hope will be useful for conceptualising practice and in developing the responses young people receive from services.

## **Chapter 4 – Extra-judicial responses, ‘the system’ and social fields**

### **Introduction**

Policy suggests that minimal responses from youth justice services can be appropriate and helpful to young people in terms of being able to move on from adolescent offending. It has been suggested that such behaviour is fairly common and usually not persistent (Rutherford, 1986). The literature review highlights that whilst there is general consensus that there is a need for out of court disposals as proportionate responses to young people’s offending, there are concerns about aspects of the implementation of these disposals in practice. The primary data provides observations from one case study area to better understand practice in the name of ‘diversion’.

The narrative of both staff and service users is explored to develop understanding about ‘diversion’ in both practical and conceptual terms. The staff group had all been involved in delivery of the local diversion scheme and were experienced in working with young people who had been involved in offending. The analysis explores how they constructed a rationale for their practice. Images that the group created on flip chart to illustrate how they perceived local services operated are included and considered in the discussion.

Also, the views of thirteen young people and three parents are explored through fourteen service user interviews; the young people had received at least one out of court disposal. The interviews provide insight into how this group experienced contact with services, as well as much broader context about their lives. During the interviews some visual material was created, which included timelines that were drawn by the interviewees

and researcher collaboratively to depict 'significant' experiences they had had on a variety of themes. This went back over the period in which the young person had received the out of court disposals. The time period was negotiated in discussion with each interviewee to see how far back in time they wanted to go.

Some information from local authority data systems held about which disposals the interviewees had received and which services they had had contact with are included for comparative purposes. This includes information from databases used by Targeted Youth Support Service, the Youth Offending Team and Children's Social Care. Each service used a different data system.

The perspectives of service users and staff are considered alongside each other to help construct an integrated analysis of how diversionary practice was operating locally. The discussion lends itself to analysis by extending the work of France et al (2012) about political ecology and youth crime, by applying notions from Bourdieu's 'thinking tools' (see Bourdieu and Wacquant, 1992) and Bronfenbrenner's Systems Theory (Bronfenbrenner, 1979) to diversion in youth justice. This is used to develop both practical and conceptual knowledge.

### **Different practice approaches to diversion**

#### **A ladder?**

Staff at the focus group created an image of the 'structure' of out of court disposals that were available locally. The staff group suggested that there was 'a ladder' of out of court disposals available in LA1:



**Figure 4.1 A 'ladder' of out of court disposals, from the focus group**

The staff group said; *'There's a Pathway, CR, TYS, caution, conditional caution...'* (P5). The ladder is akin to the model set out in Ministry of Justice/Youth Justice Board (2013), known throughout as MoJ/YJB (2013), which explains youth caution and youth conditional caution, and the option for 'community resolution' (CR) can be used as out of court disposals for 10-17 year olds. Those receiving youth caution and youth conditional caution are noted in this guidance as being recorded as 'First Time Entrants'. The data is interesting because the literature highlights gaps in understanding what 'diversionary strategies' that were recommended by the Edinburgh Study of Youth Transitions and Crime (McAra and McVie, 2007/2010) may look like in practice.

The ladder depicts CR and also identifies what staff referred to as a 'TYS'. This was the name of a service 'Targeted Youth Support' adopted as the name for a locally developed disposal; a 'TYS'. For a two and half year period, Targeted Youth Support had carried out the assessment sessions known as a 'Pathways'. By the time of the focus group in 2014 this

practice had moved back to the YOT into a team known as the 'Early Intervention Team'. The 'TYS' consisted of a young person attending an assessment session and a CR being recorded by police. In these cases the young person would be prevented from receiving reprimand/caution (and becoming recorded as a 'First Time Entrant' in youth justice statistics).

The Senior Practitioner from YOT (P5) explained: '*...we still call it a TYS because it makes it easier for the police to understand...*' (P5). The ladder also said that caution, conditional caution or court were available as options in LA1. The suggestion from this description is that there is a linear pattern of disposals in use, in which young people would move up a framework of available tariffs.

It is possible to consider this linear model against the other data gathered, from both service user perspectives and data about disposals received by service users from local authority data systems. Data was gathered from local authority data bases about each of the 14 young people involved in the project. Table 4.1 shows each interviewee and the disposals that were recorded for them up to end October 2017. It also includes a note about which agency was involved in the decision making about the disposal, either Youth Offending Team (Early Intervention Team), Targeted Youth Support (TYS), police-alone, or a court. The offence type and the gravity of the offence are also given.

If the offence occurred after the young person was interviewed this is also noted. It is important to note that this information was correct in October 2017 when the data systems were checked. It is also relevant that the project had access to systems for children only so re-offending after people turned 17, as some interviewees did, would not be known. The

information does however provide an insight into the disposals received by the interviewees and the services they had had contact with in relation to these up to October 2017.

Young Person	Disposal 1, agency and offence type and gravity	Disposal 2, agency and offence type and gravity	Disposal 3, agency and offence type and gravity	137 Further offences
1	Caution – YOT EI - violence 3	Conditional caution - TYS - violence -3	CR - police alone – theft - 3 (after interview)	
2	Reprimand – YOT EI – theft - 3	Final warning – YOT – criminal damage - 2	Court – theft – 3 (after interview)	Court x 5 further offences (up to age 17)
3	CR police-only – theft - 3	Court – conditional discharge for public order offence – 2 (after interview)		
4	CR – TYS - Theft – 3			
5	Caution – TYS – violence - 3	Court – referral order – burglary - 4	Court x 5 further offences (up to age 17 - after interview)	
6	CR – YOT EI - possession of cannabis - 2			
7	CR police-only – theft – 3			
8	Reprimand – UNCLEAR re agency- possession of cannabis – 2	CR police-only – violence - 3		
9	CR – police-only – violence – 3	Final warning - TYS – criminal damage	Court – referral order – violence – 3	Court x 9 further offences (some after interview)
10	Caution – TYS theft – 3			
11	CR police-only – violence – 3	Caution – YOT EI – robbery – 4 (after interview)		
12	CR – TYS – theft – 3	Caution – YOT EI – criminal damage - 2		
13	Conditional caution – YOT EI - cannabis intent to supply – 4	Caution – YOT EI – public order – 2 (after parent interview)		
14	CR police-only – theft - 3	Caution – YOT EI – theft – 3	Court x 5 further offences	

**Table 4:1 Interviewees by disposals and related service, with offence type and gravity**



It is notable from this data that in some cases interviewees did not receive disposals in the linear way that a ladder would suggest. Indeed YP1, YP8 and YP13 did not receive disposals in the order suggested by the ladder (although YP13's second disposal occurred after the time of interview). The timelines that YP1 and YP8 drew of significant events in their lives can be considered to add qualitative perspective to how young people experienced receiving these disposals. YP1 describes seeing Youth Offending Team before seeing Targeted Youth Support, showing how she had not received disposals the linear way set out in the staff's ladder.

YP1



**Figure 4.2 YP1 Timeline**

Anger from over a year ago.

Working with YOTs, YTS and NSPCC

A crime that wasn't a crime

A fight

Positive change re anger and family

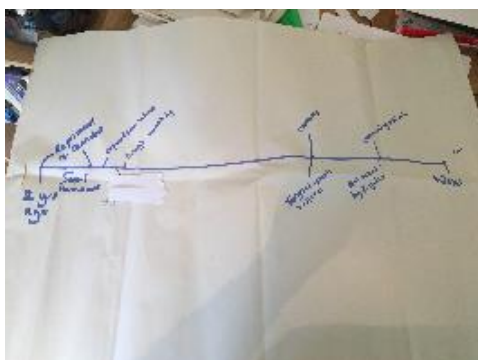
Spending all my time at BF's

TYS for a year.

Found it helpful, Things better at home

Likewise, YP8's timeline shows that she recalled receiving a reprimand before receiving community resolution. It appeared from her interview she was referred to drugs counselling in relation to her reprimand. The timelines depict the non-linear order that she had received the disposals in. This suggests there was some degree of variation in the ordering of disposals, suggesting local processes were rather more organic than the 'ladder' would suggest.

## YP8



Sexual harassment

Reprimand re cannabis

Expelled from school      Drugs counselling

CAMHS                      TYS      Attacked by 2 girls

community resolution

**Figure 4.3 YP8 Timeline**

Also, it is not clear why some of these young people became 'First Time Entrants' and others did not. YP4 and YP10 for example had both had a one off offence of shop theft, both being female and under 16 at the time of offence and both had seen TYS for a Pathway assessment. YP4 did not become a First Time Entrant as she had a CR recorded. YP10 did become a First Time Entrant because she had a reprimand recorded. The timelines these young women drew during the interviews are shown here:

## YP4



1 year – worried, family, counselling

Out with friends

My Time

Changed schools      counselling

Still out with friends      Police

**Figure 4.4 YP4 Timeline**

**YP10**

Arrested theft

TYS (name of worker not service)

Moved school

Moved school again

Bullied

Truancy and drugs

Moved area (house)

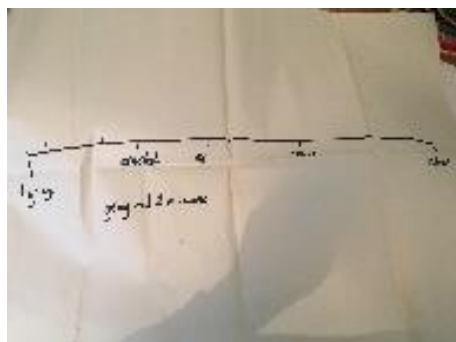
Own house and boyfriend

**Figure 4.5 YP10 Timeline**

Considering the timelines and the interview narratives of these young people both said that they found follow up support from TYS after the Pathway assessment session helpful. They both expressed this as a one off mistake committed in the context of a difficult period in their adolescence.

Similarly, YP6 and YP8 were both arrested for first offence of cannabis possession - YP8 became an FTE while YP6 did not (YP8 was female under 16; YP6 was male 16 years.) It seemed that they had both seen YOT for Pathways (although YP8 was not entirely clear about the process relating to this). The interview narratives told of negative experiences with the police in relation to the disposals. There was no obvious reason why one person received CR and one received reprimand.

## YP6

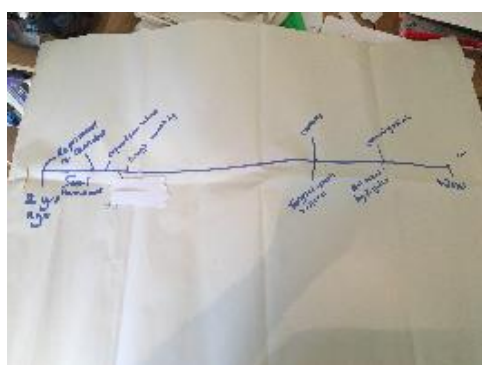


Arrested

Well my GCSEs, my exams and had revision pretty much all year and then going out once a week.

**Figure 4.6 YP6 Timeline**

## YP8



Sexual harassment

Reprimand re cannabis

Expelled from school      Drugs counselling

CAMHS      TYS

Attacked by 2 girls      community resolution

**Figure 4.7 YP8 Timeline**

This shows how a complex series of responses could be offered to young people as part of their contact with services and highlights that the linear pattern suggested by the ladder does not always match with the way practice operated. It also highlights how there are important questions about the rationale underlying practice and decision making about responses which can be explored further through analysis of the focus group data.

### **The rationale for diversion and decision making**

The qualitative focus group data contributes perspective about how practice was understood by staff. There is a significant theme from the session about the notion of ‘*keeping people out*’ of ‘the system’. There was a strong diversionary rationale that appeared to have been adopted by staff although the word ‘diversion’ was not mentioned. There was a sense of the existence of a ‘*system*’ or an ‘*arena*’ of criminal justice of which contact with YOT formed part. Several staff said that they thought it was helpful to reduce contact of young people with services – the rationale for which was to avoid people being ‘*criminalised*’. These ideas fit with messages from policy messages including those from the YJS Review (Taylor, 2016) about a need for diversion. There was concern that perhaps contact with a service to discuss an offence (whether it was TYS or YOT it seemed) was potentially ‘*criminalising young people*’. The differences between what was thought might criminalise and what might support young people were not fully expressed. For example one staff member explained;

*‘...a tendency to...think well this is about keeping them out of – well I know that’s the whole aim – and not be criminalised.’ (P4)*

Two staff said there had been a change in their experience of practice where fewer young people were being worked with on court orders. They both expressed a view that previously too many young people had been getting ‘*referral orders for nonsense*’ and ‘*YOT’s working with more of the right people than it was before so people who are more entrenched*’ (P5). The change from young people receiving court orders to the use of more out of court options resonates with messages from the literature review about the trend for increasingly diversionary approach to youth justice post – 2007.

It appeared that reducing contact of young people with YOTs was perceived to be a good thing; it also seemed reducing contact with TYS in connection with an offence was also good. Police-alone CR was said to be '*right*'. This resonates with the policy discussed in chapter 2 where reducing contact with services in the name of diversion stands out as a strong message. It appeared that the rationale for diversion this was not consciously target driven as people did not know what constituted being a 'First Time Entrant' or not. It was wondered if receiving a CR may constitute being an 'FTE' as the person would be recorded on the police national computer (PNC). It appeared therefore that policy messages had been adopted as being right.

The focus group suggested there was a role for services at a 'Pathway' assessment in making recommendations about disposals. YOT (and previously TYS) therefore had a role in decision making. It appeared police retained the final say about the choice of disposal. Staff said that in many cases the police tended to make their intentions known to services before the young person was seen for assessment. This was somewhat different to guidance from MoJ/YJB (2013), which suggested joint decision making for anything other than first offences.

'Indictable-only offences will be referred to the CPS, as the decision-making authority; first-time summary and either-way offences can be decided by the police; second and subsequent offences will be a joint decision by police, following assessment by the YOT.' (MoJ/YJB, 2013).

The factors that may influence the decision making rationale of YOT and TYS were not described as a clear set of guidelines but a rather as a range of factors. This included seriousness of the offence and time between offences. Also it seemed that the attitude of the

offender might play a part. The issue of willing will be re-visited in chapter 5 in terms of understanding young people and processes associated with diversion.

*'We rarely get conditional cautions but the ones that we do you can sort of guess actually see you in court in a few weeks cause you're not willing.'* (P5)

Later in the discussion the issue of offence type was raised in relation to developing work in early intervention with sexual offences. It was suggested this required specific guidance. The significance of offence type was also raised in relation to the gravity of offence where '*endangering life*' by riding a motorbike illegally lead to up-tariffing of disposal.

The description of what might influence decision making also included a less well defined sense that recommendations might be made for '*whatever reasons*' which seemed to be indicative of a sense of professional discretion that might be applied. It was suggested that things might be '*bumped up a bit*' because of the attitude of the staff member and workers discussed different professional backgrounds as potentially influencing decision making processes.

The reason that one young person becomes a first time entrant and another does not is not always clearly defined. The framework for decision making involves a level of discretion. Application of Bourdieu's thinking tools to the data helps to develop a critical perspective that it is likely that staff habitus and the culture of the field in which they practiced may have influenced recommendations they made and therefore whether a young person was defined as entering the youth justice system. There is a sense that staff had

adopted the rationale from policy messages which operated at the macro level, in terms of ecological systems, to influence the fields of practice in which the staff worked.

The staff suggested that the service the person was working for, or previously worked for, contributed to the '*background*' of the worker. Ideas discussed by the staff group were that people from certain professional backgrounds might be likely to give a higher or lower penalty with the hypothesis put forward that perhaps TYS workers who might from a '*youth work*' background might be likely to be more lenient whereas workers from a '*criminal background*' might be more likely to give harsher responses.

Staff wondered whether issues of professional background could lead to inequality in terms of responses to offending behaviour in the youth justice system.

*'That's not great for the kid then...you could have one person coming from a youth background and one coming from a criminal background and then you could have one kid in one service and the other with the other.'* (P2).

This is interesting to consider in the context of the literature review where there is some concern expressed about this from a variety of directions; from CJI (2012) and the House of Commons Justice Committee (2013) as discussed in chapter 3.

The notion of habitus is useful to apply in this context where staff were discussing what made up a worker's background and related professional identity and practice rationale. It is interesting to note that whilst policy messages had been adopted into doxa to



some extent, the staff took part in discussion during the session where they considered how worker's decision making processes might operate and suggests reflexivity about practice by the staff group who had been interested in taking part in the focus group.

This contributes knowledge to the question about what 'diversionary strategies', suggested by the Edinburgh Study, actually look like in practice. This suggests that the strategies are highly contingent on the habitus and doxa of staff delivering them, which emerges as related to the fields in which the staff worked.

### **Services involved in diversionary responses – social fields of practice**

The data gave a sense that whilst staff spoke about a drive to '*keep people out*' of the '*criminal justice arena*', it seemed that there were several different approaches to doing this. Themes about practice emerged from the data. The Youth Offending Team - Early Intervention (YOT EI), Targeted Youth Support and the police appear to have differences in the way they were delivering 'diversion'. These themes ran across the staff and service user data and so both sets of data are integrated into the narrative in this section.

#### **Youth Offending Team - Early Intervention (YOT EI)**

One practice approach, which seems particularly strong for Youth Offending Team Early Intervention from the primary data, may be viewed as that which might be interpreted

as 'minimal intervention, maximum diversion'. It seemed that it is not designed to consider a '*holistic*' picture of risk and need but to be a '*focused*' piece of work. The member of staff from YOT described this as '*bish, bosh, bash and you're done...*' (P5).

This member of staff also included the suggestion that some need and risk might be addressed by family or by schools. The sense of the YOT rationale was that it would be better to address any needs outside of the YOT to '*keep people out*' i.e. maximum diversion from receiving a service from YOT. One of the TYS workers asked if YOT would refer on if need or risk was identified as this became a discussion and P5 explained '*I'm sure they do*' (P5) in reference to the practice of other members of his team.

The MoJ/YJB (2013) highlights the importance of onward referral to address need; 'It is important that interventions are proportionate to the offence committed and to the identified needs of the young person. YOTs should be mindful that not all young people will require intervention from a YOT and some may benefit from being referred to other agencies.' (MoJ/YJB, 2013: 27).

The narrative from service users about their experiences of assessments and related practice carried out by YOT EI largely resonates with this 'minimal intervention' paradigm. Indeed, for example, person 2 said, '*I only had to go there to write a statement*'. YP4 described her friend seeing YOT, '*She went and saw a man and then he said oh yeah its fine, all you have to do is write a letter then she did and that was it.*' YP4 had seen TYS for the same incident and received a different response.

There were two examples of young people being referred on for work about substance use – in one case the person felt this was inappropriate as she denied using cannabis and in the other case the young man had no intention of accessing ‘help’ about cannabis use as he fully intended to carry on using it as he felt strongly about the benefits of doing so. There was a further instance where the worker had spoken with the young person about his cannabis use – but again the young man had not seen value in this conversation, but nevertheless there was some drive to address need in these cases (in terms of cannabis use only).

*‘I have gone down to YOT and things and they made me see drug advisers and I’ve told them and they say ‘Talk to Frank’ and things like that and have a look at this and that and yep I already know that...’ (YP12).*

In one case (YP13) there was a more interventionist approach by YOT EI from the parent’s perspective. This was in response to an offence of selling cannabis for which the young person received a conditional caution. The practice related to conditional caution seems a lot more structured which is consistent with MoJ/YJB (2013) guidance.

The parent of YP13 explained,

*‘Yeah he had two 4 or 6 hour sessions and he went and did gardening and things like that and I think he had about 4 sessions with YOT 4 on his own and he had to do sort of like homework type stuff’ (Parent YP13).*

This disposal seemed to involve elements of ‘restorative justice’ practice where the young person does community service to ‘make good’ for their offence. This seemed to sit more comfortably with YOT EI than with TYS; the image of how TYS, YOT and SC work together (see figure 4.8) mentioned RJ under ‘YOT’ rather than the other services. Young people talked in several interviews about apologising by letter. The policy was noted to have been adopted to different levels in different areas of the services in the staff discussion. In terms of the practice in relation to ‘TYS’ and caution options, it appeared that the policy message of minimalist ‘maximum diversion’ had been adopted into the practice rationale, and through into the habitus and doxa of staff.

#### Targeted Youth Support (TYS)

The approach of TYS could be described as ‘doing something’ to address a range of risk and need, more akin to the Lord Bradley definition of diversion (Bradley, 2009). The YOT SP (P5) mentioned ‘*the myriad of stuff*’ TYS got involved in and described it as ‘*holistic*’. TYS staff did not describe much of the detail of the approach the service had taken in delivery Pathways. They did have an active discussion as to whether TYS and YOT approached practice of ‘Pathways’ differently.

P1 did say a little about her approach in delivering a Pathway assessment to YP4 for shop theft from the interviews (she had been asked to do the assessment after the delivery had returned to YOT because YOT had a staffing issue.) She said that she had not felt an apology to the shop was necessary but been instructed to do so by the YOT.

The young people's data gave a strong sense of a difference in approach of TYS from YOT EI. YP4 saw TYS and her friend saw YOT for the same shop theft incident. She described the approach of P1 from the focus group as one which allowed her time to talk about family issues. She met with TYS about four times and contrasted this with her friend who saw YOT EI who only saw her once. YP4 was really positive about having 'someone to talk to', but she also wondered why her friend had received a different offer.

Other young people and parents spoke about their experiences of responses that involved some form of attempt to address need. Indeed, young people spoke about the kinds of work they did with TYS in relation to the Pathway. This included some young people who worked with TYS for a year or more. These young people described receiving a range of support relating to the offence but also about other issues such as 'anger' and 'family' issues.

TYS tended to attempt intervention about family, emotional wellbeing, relationships and sexual health and education most commonly as a direct part of the Pathway intervention. There is one example of the apology letter for person 4, but this is the case discussed in the focus group where P1 said she was directed to do this by YOT and had not felt it was necessary.

### The Police

Police-only CR was referred to in the focus group by P5 who worked for YOT. He said he thought '*right*' that YOT were not involved in CR practice that police carried out alone. It appeared policy messages about this had been adopted into the diversionary rationale that formed part of the habitus of staff.

*'...we know when they're happening but we don't know any more, we're not involved in it in any way shape or form which is good I don't think we should be...'*

(P5)

This view correlates with that expressed in the guidance by MoJ/YJB, (2013) which suggests CR 'enables police officers to use their professional judgement to assess an offence' (MoJ/YJB, 2013: 7). There is controversy about this however as the Independent Commission on Youth Crime and Anti-Social Behaviour (2010) suggests that decision making about CRs should involve young people's services and discussion in CJI (2012) about the role of police officers as arbiters of justice.

The data available from the young people suggested that in cases of police only CR there was little content to the disposals. There was one example of an apology letter being written. Four of the six went on to re-offend. The role of the police and CR will be further considered below in terms of understanding 'the system'.

It became apparent that often young people experience a range of diversionary strategies from the services involved in delivery the disposals. This appears to include attempts to focus on the offence and ways to apologise for wrong-doing or make good for this in some way; attempts to address aspects of need and risk in the lives of the young people which may be in some way related to 'risk' of re-offending; or broader offers of help to address personal and social need. It also appeared that different services tended to take broadly different approaches, adopting policy messages into practice in different ways.

Therefore, there is a strong sense from this data that diversion can be conceptualised as operating across several fields of practice.

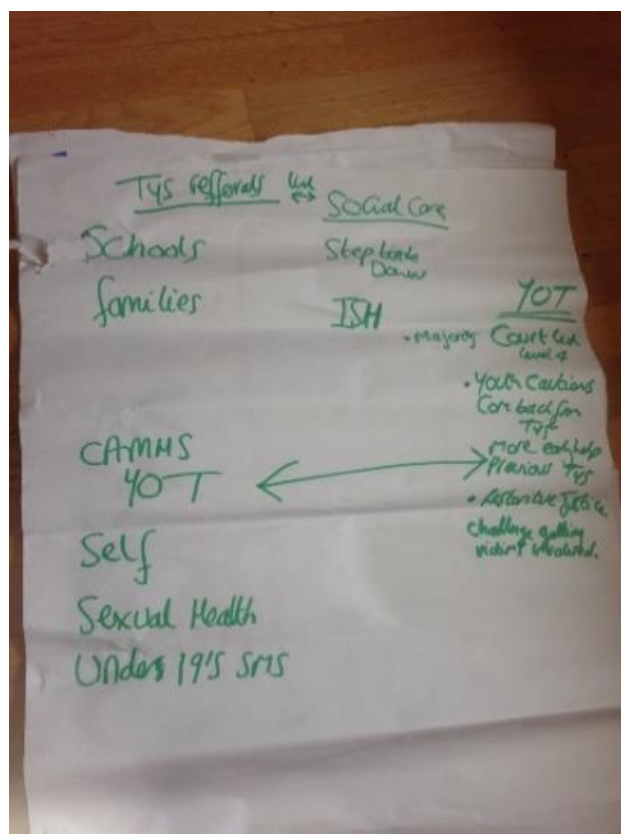
### **Understanding the broader context of local services for young people**

As well as the emerging themes about the different fields of practice directly involved in 'diversion', the staff data gives a sense that diversionary practice sits in a broader context of service provision for young people. The staff discussed the local 'Early Help' strategy which it seemed was unconnected with Early Intervention in the Youth Offending Team.

The Early Intervention SP said he knew very little about 'Early Help'.

*'I don't know anything about the Early Help Strategy – I might know it looking at the internet or seeing oh there's some training but actually looking at my work my perception is that it has very little to do with my work.'* (P5)

The group drew a diagram of how Targeted Youth Support, Youth Offending Team and Children's Social Care were structured and how they related to one another. This is shown at figure 4.8.



**Figure 4.8 The local structure of TYS, YOT and Social Care from the staff focus group**

The YOT was characterised a separate entity '*with a life of its own*' (P5). The joining up process was thought to depend mainly on some individual colleagues who '*pick up the phone*' (P5) and reach outside the traditional boundary of the service. The TYS PM also said she had little idea what was going in the YOT;

*'...well I've really lost touch with what goes on with YOT.'* (P4)

The YOT SP expressed the will to improve joint working with TYS and YOT.



*'Mmm but I think there is a need for further developments about the linking of TYS and YOT – I dunno I don't know how or what or what that would be but I think there needs to be something.'* (P5)

There was also a discussion in the focus group about whether young people who had contact with services via extra-judicial responses might also be appearing at the edge of social care and this appeared to be a gap in information.

*'If we're doing these short interventions I think it would be interesting to see if they're coming back in, maybe through ISH, maybe not through criminal justice route maybe?'* (P5)

The small quantitative data about interviewees suggests that people do appear in both 'systems' although of course there are also many who don't. This sample were all in contact with young people's services by nature of the way they were identified to take part in the study, so they are not representative of all young people receiving out of court disposals. However the data gathered from looking at TYS, YOT and social care records provides valuable insight into the way this group of young people had been in contact with services. Indeed it can be observed that all but two of the interviewees (86%) were known to social care before the incident. And only one remained unknown to social care after the disposal.

The quantitative data about the interviewees reveals how many of the interviewees were known to social care and whether this was for a one off 'contact' or whether there had been social work assessment or active involvement due to a statutory duty under the Children Act 1989 due to Child in Need or Child in Need of Protection. 36% of the young

people had had assessments only resulting in no further action, suggesting that their needs sat at the boundary of social work involvement, as well as sitting at the boundary of youth justice involvement. 35% had had active social work involvement, suggesting that they had experienced vulnerability in their lives that had led them to need a statutory social care response.

Type of contact	Number of young people (n=14)	Percentage
None	2	14
Contact only	2	14
Assessment	5	36
Child in Need	1	7
Child in Need of Protection	3	21
Child Looked After or Special Guardianship	1	7
Total	14 (100%)	99*

\*All percentages have been rounded to nearest whole number, and therefore do not add up to 100%.

**Table 4.2 Interviewees and prior social care contact**

Of the twelve young people with prior social care contact, all went on to have subsequent social care contact after receiving the out of court disposal. This illustrates how this group of young people had contact with social care and received out of court disposals.

In terms of TYS involvement, YP14 (who had a Special Guardianship Order and went on to re-offend to court order level and to be placed on a child protection plan) was already open to TYS when the stand-alone police lead CR was used without the joining up of intervention. 6 of the 12 went on to have subsequent TYS involvements through separate referral routes. When this is compared with the staff's image of these three different service areas of YOT, TYS and Social Care, this highlights how young people may navigate contact with several services, which may be conceptualised as fields of practice.

The 2016 Review of the Youth Justice System by HM Government, which is known as Taylor (2016), says, 'Children in the youth justice system will often have been assessed by a range of other services. My ambition is to simplify these processes for children and practitioners, and to reduce the incidence of parallel systems which contain the same information and do not interact with each other.' (Taylor, 2016: 14.) The data also resonates with Hanson and Holmes (2014) which highlights the disparity of the systems of youth justice and children's social care in terms of responding to adolescent risk as discussed in the introduction to the thesis.

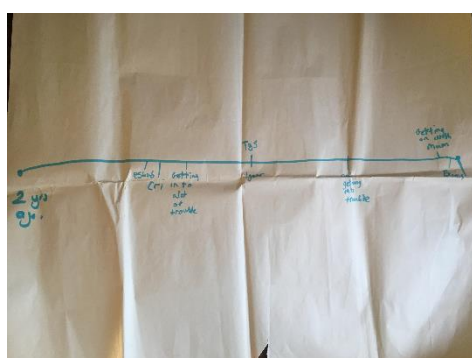
Considering these issues through the lens of political ecology, applying notions from Bourdieu of habitus and field and Bronfenbrenner in terms of ecological systems, promotes reflexivity about practice in young people's services. The services can be understood as operating as fields of practice; influenced in socio-political context by policy which forms part of the doxa of those delivering services.

## Keeping them out?

When we consider the interview data and the visual timelines produced, the experiences of the service users can be explored in relation to how they experienced contact with these broader set of services, as well as those directly related to diversionary youth justice responses. It was a significant theme that the young people were sometimes unclear which services were involved with them. In some cases this was more about not knowing the correct names for services; in other cases some people were unclear about roles. There was a sense for some that they were quite used to receiving a string of services. In some cases young people had lost track of which services did what.

For example YP2 was prompted by the interviewer about the name of one of the services involved with him. He had received a longer TYS intervention, not directly as a result of his offence;

YP2



ESBAS CRI (prompted re names of services)

Then 'getting into a lot of trouble'

TYS 1 year 'not getting into trouble'

'getting on with mum' Exams.

**Figure 4.9 YP2 Timeline**

YP3 had trouble recalling names and roles of services involved with his family. He indicated a sense of disengagement from services that visited their family home;

*'Nah I don't know much about them – when they're there I just ignore them and watch TV.'* (YP3)

His timeline also depicts contact with multiple services:

### YP3



2 Years

Got arrested (not prosecuted)

DLA      TYS

Fishing and archery

Social Services and CRI

**Figure 4.10 YP3 Timeline**

There was a similar picture for YP9 who said he could not remember which workers were doing which things and he did not note any of this as significant to him. He clarified that was because;

*'...I've had loads of services...'* (YP9)

## YP9



2 years

'out of court' written by interviewer (yp didn't really recall this.)

YOT

Sister had a baby

**Figure 4.11 YP9 Timeline**

YP12 shared that he had decided sometimes it was best not to have '*all these advisors*' and just to '*go no comment*'. He did not complete a timeline.

Some young people expressed they did not like the approach of services or that they felt let down by services. This included YP12 talked about difficult experiences of social care contact;

*'I'm not living with my mum is because of the social because they told me stop doing drugs or leave your mums house'* (YP12)

YP14 spoke about working with social workers and YOT. She expressed she did not feel clear why her work with TYS had ended and that she had not wanted it to end. YP14 became upset and the interview was ended early.

**YP14**

TYS started working with me Only had a month order

Started working with YOT

TYS Stopped working with me Moved house

Landlord kicked us out (Me and Dad)

Moved school 12 month youth rehab order

**Figure 4.12 YP14 Timeline**

Thus the diversionary rationale of '*keeping them out*', which was the staff group's rationale for diversion, seems mismatched with the experience of some of these young people. Far from being kept out, many of the interviewees were very much service involved, whether that be social care or youth justice. For the interviewees who had the most complex patterns of service contact, the differences in terms of the parameters of the fields so strongly defined in the habitus and doxa of staff, was not so clearly defined.

### **The police and 'informal' responses**

There is a significant theme in the service user interviews about their experiences of policing. First, it is interesting to note that there was a lack of understanding by service users about community resolution (CR) from the police as a stand-alone disposal with no referral to Pathways. Six young people were recorded on data systems as having received such a disposal by the time of interview (YP1, YP3, YP7, YP8, YP11, YP14). In five of these cases

the young people did not provide a clear account of receiving the disposal. It is an ethical concern in the literature about CR that sometimes it is used to resolve incidents without the full knowledge and understanding of those involved; hence the 2013 guidance on the use of CR which states that the 'Young person's agreement (is) required in order to participate and accept community resolution.' (MoJ/YJB, 2013: 6.) It appeared from the narrative of the interviewees that there may have been a lack of understanding about the use of CR. Whilst this may seem in one sense helpful to diversion, the discussion in chapter 5 develops an exploration of themes around how helpful these responses were to addressing the needs (or structural and environmental concerns) of the young people concerned.

Secondly, a significant theme was that some young people experienced contact with the police as being formal despite an 'informal' out of court disposal being recorded. Staff expressed police-only CR with no involvement from young people's services as positive thing which helps to reduce 'criminalisation'. Young people's experience sometimes did not characterise contact with the police in this way. It appears from the data that it was not the disposal but the interaction that had a possibly 'labelling' affect.

Four young people and one parent spoke about their experience of the policing responses to the incidents for which they had received out of court disposals. For example, YP4 said '*my police man was nice but my friend's was rude*'. She described being in the cells for several hours for shop theft. She was referred to TYS and a –CR was later recorded. Her mum said her daughter did not like the police and thought they were rude to young people.

In the case of YP6, he felt very unhappy about his arrest for cannabis possession. He felt the policing response was overly formal and expressed how he had found the experience



distressing. Since his arrest he said he was now more committed to the legalisation of cannabis, which he recalled;

*'...still have dreams about getting arrested so it has had more of an impact than I thought' (YP6)*

The use of CR may well have been helpful in his case as he had aspirations to become professionally qualified and to travel to the USA. The actual experience, however of contact with the police had not been diversionary. Thus it is possible to see in this example that it was not the disposal itself or contact with YOT that might have played a part in 'criminalising' process, but the wider experience of how he was arrested. He would not have been recorded as an FTE, but yet had had a difficult interaction with criminal justice agencies which had affected his sense of self.

YP8's experiences were also remarkable. She told her story about being coerced by a boy of similar age into buying cannabis for him. She said this was because he was sexually harassing her and then told school that she had the cannabis on her. She was arrested and permanently excluded from school for the possession of cannabis just before taking her GCSEs. Her family had reacted badly and there was a considerable sense of family breakdown (with issues pre-existing the incident). She had 'reoffended' once, receiving a CR for her part in a fight with her current boyfriend's ex-girlfriend. She felt that she had been treated unfairly by the police in both instances. These examples were not young people who had higher levels of service contact etc.; this lends itself to an analysis that in some cases the policing responses were not experienced as diversionary.

Some interviewees spoke about difficult experiences with the police in a more general context. For YP2, YP3, YP5, YP9, YP12 and YP14 these narratives sat in a broader context of complexity in their lives. This lack of clear association with the incidents was consistent with a general lack of detail about their early contacts with criminal justice processes. For example YP9 said;

*'No it's just the fact that I've been arrested like 4 or 5 times that I can't remember and some of the times they've arrested me nicely and other times they haven't sort of thing...'* (YP9)

Thus whilst the use of an informal outcome may be helpful for many young people in terms of criminal records there are real issues about perceptions of policing behaviour that may not be sufficiently considered when constructing community resolution as 'informal' and outside 'the system'. It is suggested here that the use of CR can be understood as being a separate 'field' of practice. There are parallels which can be drawn with the work of Jock Young (1971) and about the role of the police in deviancy amplification. This also resonates with France et al (2012) and Robinson (2014) who talk about the findings from larger scale research where young peoples' interaction with the police has been found to be part of the wider pattern in their lives of navigating complex social fields. Thus the way that the practice described in the case study may be understood is that it is not always the disposal itself which labels a young person but it also has a lot to do with the social interaction that takes place.

It is to be positively welcomed therefore that the YJS review suggests that, 'The police should at all times see under-18s as children first and offenders second. (It is encouraging that the treatment of 17 year olds has recently been brought into line with that

of children aged 10-16.) This principle should be at the heart of all of their interactions’ (Taylor, 2016: 19.) However, the review did not consider diversionary policing practice or how it was experienced by service users and continues to base policy around the notion of ‘First Time Entrants’.

### **Conclusion to the chapter**

The analysis in this chapter provides insight into how ‘diversionary strategies’ as McAra and McVie (2010) have described this kind of practice, worked in this case study area. Approaches to diversion appear to be different for each of the services that were involved in their delivery. This varied from very minimalist responses by police, to YOT EI who appeared to focus on Restorative Justice and substance misuse referrals, to TYS who offered support about family, education and emotional wellbeing (see appendix 8 for an analysis of the interview data about which services addressed which needs.)

There was acknowledgment by the staff that there were differences in their approaches. The collective rationale for adopting diversionary responses was a wish to minimise the contact young people had with the YOT to prevent ‘*criminalisation*’ and to ‘keep them out’ of ‘*the system*’. The group had a sense that this was ‘*right*’ which aligns with policy messages as discussed in chapter 2.

Some young people received different responses for the same (or similar) offences. It was not always clear why one young person had received a disposal that lead to them being defined as being a ‘First Time Entrant’ and another did not. There are some indications from

the staff narrative about how decisions were made which did not appear to involve an exact framework but rather a level of discretion from the workers involved. This included an emphasis on whether the young person was 'willing' to engage or to change which is a point explored further in chapter 5.

The staff group discussed whether '*professional background*' and which service a person worked for would influence attitude and thus influence decision-making. They also discussed whether this could lead to unequal experiences of criminal justice. This resonates with concerns from the literature about the use of CR particularly, and suggests there is an ongoing need to promote transparency in the use of these disposals.

The analysis has been developed by applying Bourdieu's thinking tools to the discussion. This allows for insight to develop about practice through adopting a critically reflexive position. Bourdieu's concepts have allowed for the rationale for practice that was expressed by staff to be understood as an expression of the habitus of the staff involved and also the underlying doxa which gave them their sense of what was 'right'. There was a sense of 'fields' of practice in operation with different rules governing the boundary to one service or another.

Indeed, there was a sense that the diversionary processes and services sat within a broader context in terms of how staff defined the parameters to the services in which they worked. The group talked about the relationship of TYS and YOT with Children's Social Care. They spoke about how an 'Early Help' strategy had been introduced in LA1, which involved social care and TYS. There was a sense from the data that YOT Early Intervention and YOT court work teams sat quite separately from 'Early Help' in terms of how the staff group constructed their sense of the fields.

There was, however, a sense from the interviews and the small quantitative data that many of these young people also navigated contact with social care, as well as other services. In some cases young people had little understanding of the differences between the services or why they were involved in their lives. There was a sense that the way the staff defined the parameters of the fields was somewhat mismatched with the perspectives of the service users in this regard. These tended to be young people who had had multiple service involvements. There is a strong sense from this sample that some young people may already be very system involved when they receive disposals which seek to prevent them being recorded as entering 'the system'. Receiving extra-judicial responses seemed quite lost in terms of any opportunity to promote desistance or offer help.

Indeed, contact with fields of service provision may form part of young people's experiences; as 'forces' that France et al (2012) suggest as influential on young people's developing sense of themselves. Services may be conceptualised through ecological concepts as operating at the meso level when the concepts of Bronfenbrenner (1979) are applied to the analysis. The fields of provision appear to be influenced by socio-political context at the exo and macro levels from the sense that staff had internalised policy narrative about avoiding 'criminalising' the young people. As highlighted above, Taylor (2016) acknowledges that young people may have assessment by social care and YOTs and proposes the need to minimise this. This does not extend to considering out of court processes so this thesis proposes the need to acknowledge that sometimes young people with complex needs are receiving out of court disposals, which currently may not be well joined up with the other things going on in their lives.

Also, there was discussion about experiences of police contact. Young people may have remembered their experiences of contact with the police far more than they remembered which disposal they had received. There were examples where young people described difficult experiences even when supposedly 'informal' CR had been recorded. It is suggested here that it is highly relevant as to how someone experienced the disposal process to understand whether a strategy is 'diversionary' in terms of experiences of criminal justice processes or not. Currently this is constructed in policy terms as practice outside 'the system', yet when the experiences of service users in this case study are considered there is a sense that these interactions can be quite problematic and may form part of what young people internalise into their habitus about themselves in the fields which they live their lives.

The notion of 'the system' that people may 'enter' can be considered as being socially constructed rather than a clearly defined entity. Thus diversion can be seen as far from a linear process, but more helpfully understood through the lens of political ecology. One implication is that there is a need for greater critical analysis of where 'the system' begins and ends and what constitutes 'entry' so that consideration can be given to how useful the current definition of an 'FTE' is to supporting both welfare and justice for young people. A practical implication of this is the need to monitor and review the use of CR by the police to support practice which is fair and balanced in its approach to welfare and justice.

## **Chapter 5 – Extra-judicial Responses in Ecological Context**

### **Introduction**

In chapter 4 both service user and staff perspectives about 'the system' and 'diversionary strategies' (McAra and McVie, 2010) being used in LA1 were considered. This provided insight on the perspectives of both groups. This chapter now develops the discussion from chapter 4 and focuses into the narratives of service users, and the wider context in which the out of court disposals were received. This chapter explores the experiences of service users and applies notions from Bronfenbrenner and Bourdieu to developing an ecological perspective about how diversionary processes were understood.

First, the theme of 'significance' is explored, particularly in terms of how people experience contact with young people's services. This develops the observation from chapter 4 that there was varied understanding of the disposals received and also of the roles of services who were involved in their delivery. 'Significance' was a term used in the interview schedules when people were asked about their life experiences. The themes emerging from this analysis are considered.

The chapter then develops the analysis of the service user's worlds. Bronfenbrenner's systems theory (see Bronfenbrenner, 1979) was used as a framework for the interviews with the intention of exploring how diversion worked as a 'multi-level' (McAra, 2012) process. The image at figure 3.1 was used as a prompt for discussions. Most interviewees created a picture of their 'world' on flip chart paper. These pictures are integrated into the analysis below. The analysis will be developed by applying Bourdieu's thinking tools (see Bourdieu and Wacquant, 1992) and particularly a sense of habitus and related capital that operated within their lives. The chapter then draws together what people

found helpful in terms of responses from services in the context of the wider ecological analysis.

### **How service users understood disposals – experiences of ‘significance’ and social context**

By focusing on the service user’s narratives and timelines a theme about how significance was attributed to events can be explored. There was a group of young people who can be considered to have had a sense that the out of court disposal and service responses they received were significant within the context of their lives and had been understood. These young people were YP1, YP4 and YP10. They all showed understanding of the Pathway as being a session where they had discussed the offence and also the wider issues affecting them in their lives with a worker. None of them knew the name of the disposals but they did have understanding of the intervention. There was significance for each of them in terms of stopping offending and a prompt for behaviour change.

*‘...we worked about the police thing but we worked about other subjects just to improve why I am being angry all them things that I was angry about...’ (YP1).*

YP1 received follow up TYS support for over a year after a Pathway assessment. The young person was positive about the relationship that had been built with her TYS worker. The young person saw the experience as a turning point and a chance to access help about her ‘anger’. The young person received a further police-only CR after the time of interview.



YP4 saw TYS three times. She knew that she had a kind of informal outcome and understood that it would not show up on a criminal record check. She remembered and talked about the experience of being arrested. She explained that she had three appointments with a TYS worker (P1) about family matters. This young woman gave a sense that this had been a turning point in her life where she decided not to get involved in '*trouble*' any more.

YP10 worked with a TYS worker following the Pathway. The description of the Pathway was that it has been a significant turning point for her in terms of offending and engaging in support to try to get help with things that were going on in her family and school life. She had appreciated support from the TYS worker as having '*someone to talk to*'. She gave feedback that the intervention had not really addressed her father's alcohol misuse or aggression. After this further issues arose about her family problems leading to her becoming homeless at 16 and leaving school early. She described a subsequent phase of smoking cannabis heavily. It was meeting her fiancé that had acted as a turning point for her with regards her cannabis use. She said that she lived in accommodation with mould and was involved in conflict with others.

France et al (2012) present the findings of a study conducted into understanding the ecological relationships young people had with crime as described in chapter 1. This study was discovered by the researcher after this primary research had been conducted and the analysis was in process. Their study did not specifically explore diversion but rather looked in wider terms about how young people experienced crime in their lives and also their contact with services. It was observed that some young people '*...had a more detailed understanding of the system and how it worked...*' (France et al, 2012: 69). This therefore resonates to some degree with the sense from the 3 young people above. It seemed for YP1, YP4 and YP10 that there was some degree of opportunity offered for a 'critical

moment' to be provided by their contact with services due to a Pathway, however the service response did not always fully address their needs.

As discussed in chapter 4, there is a group for whom the disposal was significant, but was accompanied by a strong sense of injustice. YP6 recalled details of the Pathway process but felt the experience of policing response to be very unfair and disproportionate. YP8 saw her contact with police as significant in both cases but felt that it was unfair. These experiences are already explored in chapter 4 in relation to how we can better understand the way that fields of service provision work in the name of diversion. This is remarked upon again here to highlight this as a theme relevant to understanding how young people experienced contact with services and how it may have impacted on their habitus.

Once again there is a correlation with the work of France et al (2012) who also found that there was a group of young people in their study who had a sense of injustice in relation to the contacts with the police and other services. 'Perceptions of a lack of respect and feelings of injustice were evident across a number of experiences reported by young people.' (France et al, 2012: 71). This relates to the suggestion by Sherman (1993) that perception of unfairness can be unhelpful to desistance. This supports an approach that promotes a need for transparency in the use of out of court disposals.

There were also service users who could be observed to have attributed little significance to the process of receiving an out of court disposal. This group includes four of the five young people who received Community Resolution from the police with no referral to services. These young people were YP3, YP7, YP11 and YP14. Only YP8 knew that she had received a CR. YP3 and YP11 both indicated events that could have been related to receiving a disposal but did not seem clear that the incidents were resolved by CR. The

situation for YP7 was somewhat unclear as she did not mention the CR at all or any incident that may have related to it.

The sense from these narratives is that of much wider personal and social issues for these young people and that in the context of this they attributed little significance to receiving CR. This did not appear to have supported opportunity for critical moments for change that the Edinburgh Study had suggested is needed to help young people who face adversity to move away from offending behaviour or to address a wider picture of need. The life experiences of these young people are explored in greater depth below.

There were also several young people who had experienced 'Pathways' according to their data from information systems, but appeared to attribute little significance to this. This has been touched upon in chapter 4 in the sense of considering how the young people's narratives can help to understand the way that 'the system' is structured. This is now considered here to illustrate an important theme in relation to what this reveals about the young people's sense of self. This helps to introduce the perspective of the worlds of the young people which sets diversionary responses in social context.

This includes YP14, who did not describe having a CR from police or a YOT-run Pathway clearly. She described these contacts as '*a few slip ups*'. YP14 had re-offended and been sentenced in court. By '*getting arrested*' she meant going to court and then working with YOT. This had taken on significance for to her. She was on a child protection plan and spoke about being made homeless with her dad.

It seemed that YP12 did not have a sense of the significance of the extra-judicial process because of other things that had been going on in his life. YP12 did not talk about the TYS Pathway for shoptheft when he has seen TYS. He had seen YOT for further

assessment and had received conditional caution which he dismissed as unhelpful. This young man had significant personal adversity as he had been on a child protection plan and had been made homeless due to his cannabis use.

YP2 understood seeing YOT EI as '*going there to write a statement.*' He did not seem to see any significance to the final warning process. This young person appeared to have had a lot of service involvement and could not clearly recall which workers were doing which things, as discussed in chapter 4. He had a lot of family difficulty, having had social work assessments and other services involved over the long-term.

Also YP5 did not join up the reason he was working with TYS with a previous offence for a Pathway. He did not recall details of the Pathway when he described what had happened in his history of service contact. He had a strong association with young people involved in group offending and spoke about his friend who was in jail and how unfair the police had been to him.

YP9 also recalled little about the process of having had a TYS run pathway and saw it that the matter had been dropped, rather than that he had admitted guilt and received an out of court disposal or offer of support. He had later worked with YOT court work. He suggested a narrative of positive change following his work with YOT, but attributed this to his own decisions and community factors. He had a lot of family difficulty, having had social work assessments and other service involvement over the long-term. He had a sense of new connectedness to a family on '*the estate*' where he spent time.

For this group, there was a lack of recollection of the pathway and an associated lack of significance. These young people all re-offended and went to court after out of court

disposals. Out of court processes appeared not to resonate with them. They had all had considerable personal adversity. They had usually experienced high levels of service involvement. It seemed that contact with YOT court-work team did constitute a more formal kind of intervention. The low significance for diversionary process did not, however, seem to have been helpful to their desistance and seeking critical moments for change.

This is an area where there is there is considerable resonance with the work of France et al (2012). 'Young people did not always understand the criminal justice system and the role of the police or other professionals within it (Ellis and France, 2012). There was a lack of clarity and a lot of uncertainty about what the youth justice system was trying to achieve and why they had been treated the way they had.' (France et al, 2012: 68).

There is a relationship with the ideas of Sherman (1993) about 'defiance' that was talked about in the literature review. There seems to be elements of the data which relates to his suggestion that a complex range of social factors affect how a disposal is understood and attributed significance by the individual. A difference with the suggestion here is that 'defiance' seems to suggest conscious choice, where as in this data it seemed for many young people significance is lost in a context of other events in their lives. This is how the ecological perspective contributes a helpful framework in which to consider these processes through a critically reflexive lens.

Even for those who understood the extra-judicial response, there was a sense of adversity which the responses sat within. For those who attributed less significance it seemed there was often a lot of personal and social adversity. It is therefore interesting to consider the strong narrative from the interviews about the social worlds that the young people lived in. Rather than a view of '*willing*' (P5) as key to engagement of young people in

meaningful diversionary processes, there is a need to also consider structural issues that affect young people's lives and thus affect the way disposals are received.

### **Social adversity and ecological context of extra-judicial responses.**

During the interviews young people were asked to describe 'their worlds'. This was largely explored through semi-structured interview. Twelve participants also created a visual representation of their world and some of these are integrated into the thematic discussion, with others shown in appendix 7. Bronfenbrenner's ecological systems theory is used as a framework for this exploration.

This data provides a sense of social context in which these responses are received. Grenfell (2014) explains that 'Habitus does a lot of work in Bourdieu's approach and can be applied at macro, meso and micro levels.' (Grenfell, 2014: 61) This notion of habitus is useful to apply in exploring what the data about the young people, their sense of self within their social worlds and how extra-judicial responses fit within this picture.

There is a conscious avoidance here of constructing the issues that young people discussed as 'risk factors' in need of intervention; this is rather an expression of the voice of young people about the social needs they were facing. In fact young people did not always narrate the things they were describing as being 'problems'. They often did not attribute these issues in a causal way to their offending behaviour. There was often a tendency to locate the reasons they had offended with their own agency.

*'It's your own choice really if you want to go round selling drugs or something like that, it's your own choice no one is forcing you' (YP5)*

However, he also however said in a separate sentence that his friend would have to sell drugs as he had now been in prison and no one would be likely to employ him. This highlights a tension of structure and agency in terms of how he constructed the reasons people had for selling drugs. This tension was similar across several of the service user narratives in terms of why they offended and why they stopped; often the rational choice narrative was paramount but surrounded by structural issues which the young people may or may not have attributed to the context for their offending or desistance.

The themes in this analysis are divided into micro and meso levels (environments in which the person was directly involved in), and then exo and macro levels (environments in which the person is not directly involved but was understood by the service user as influencing their life).

Some themes appear to operate at more than one systemic level, for example the broad theme of 'education' may be part of micro and meso systems that the person directly participates in but also exo and macro systems in terms of the influences of teachers' habitus and policy context that influences fields of educational provision. This perspective is informed by Bourdieu and research inspired by his concepts. As Hilgers and Mangez (2015) explain,

'Numerous studies analysed teachers' judgement as a mechanism of social reproduction and emphasized the stability and consistency of the practices of the educational agents, which were then supported by structural dimensions.' (Hilgers and Mangez, 2015: 121).

For each theme it is considered whether there are examples of how this related either directly or indirectly to the offending behaviour discussed in the interviews. There is also

discussion about the participants and how the issues might have affected the habitus in terms of the significance of the extra-judicial response.

### Micro and meso level contexts

There was discussion about issues of family, personal and peer relationships, in the interviews. Also, there was a significant theme around substance use that related to peer groups which is explored in this section. 'Education' is also discussed under this heading.

### Family

People were asked about 'family' as part of the discussion of 'my world' and 'significant events' and this was discussed in all 14 interviews. Young people indicated a range of family adversity such as parents separating, alcohol misuse by parents and separation from their parents in some cases. These issues pre-existed the out of court disposals. The issues often arose from discussion rather than in context of an explanation about offending behaviour. There are numerous examples of family adversity in the narratives, one example is;

*'I do have like a family group but I don't really see them anymore cause I guess they like take heavy substances so I haven't really gone back and more than anything I'm worried about them...'* (YP8)

Some of the offences were directly related by the person to family conflict;



*'...well basically me and my mum were going through a really rough time, erm I ended up lashing out and she got the police involved...'* (YP1)

*'...my mum got me arrested for breaking and entering her house...'* (YP9)

Some offences can be indirectly related to family problems, such as YP4 describing the context of her shoptheft as part of rebellion related to anger with her parents separation. For many of other young people the family adversity sat as a context to their circumstances which were not described as 'problems' but more as day to day reality.

Indeed, this themes resonates with France et al (2012) when they describe the findings of their research which explore the ecological relationships of young people with crime; 'One of the most important findings that clearly had connection to habitus was that for many young people in our study, "things happened" as they always have in their neighbourhoods and communities (France et al., 2012). There was a sense of routine, habit and normality about the way crime intersected and connected with their everyday lives.' (France, 2015: 82).

Some young people placed 'family' very much in the centre of 'their worlds' in the visual data; others said they did not consider their family to really be part of their world, suggesting reduced family influence in their lives as they moved through adolescence (YP6, YP8, YP9, YP12). For others there was ambiguity about this (YP3, YP7, YP10, YP13, YP14). For example YP3 said he spent a lot of time at home, but his picture of his world showed a sense of low connection to his family.



**Figure 5.1 YP3 – My World**

Self (in middle on own)

Group of friends

Workers – TYS

For some there was a sense of a need to seek transition strategies as they moved out of childhood and adolescence into the world of a young adult. YP12 expressed this clearly as he had negotiated a difficult transition;

*'Well with my family they don't feel so much like family anymore like they've all moved away from me – since I've moved out, since I've become who I am'*

(YP12)

The sense from all 14 interviewees is that higher levels of family adversity were related to higher levels of prior service contact and perhaps in this context extra-judicial responses lost their significance. It was interesting to note however that YP1 and YP10 placed significance and had accessed help after their Pathways, indicating how individual these processes are.

It seemed that family connectedness provided a form of social capital on which the person could rely on to greater or lesser extent. The level of this kind of family support, or capital, varied greatly for the interviewees with some having very little to rely upon. It was a

theme that the family issues they had been through were particularly marked at the point of transition to adulthood where they appeared to find alternative strategies to support their transitions. This has resonance with the findings of Henderson (2007) in the *Inventing Adulthoods Study*, which is discussed in Robinson (2014).

### Partner and personal relationships

Many of the interviewees discussed having a girlfriend or boyfriend. In some cases it seemed that partner relationships were taking the place of family relationships and thus young people searched out new forms of social capital and new parameters to the fields in which they lived their lives. This can be considered as part of an indication of a developmental process as most of the interviewees were between 15 and 17 years old. YP5 and YP6 both said that they had girlfriends. It seemed that they had independence from these partners and were not reliant on them socially or economically.

For those young people who were more vulnerable within their family relationships, partner relationships that formed part of transition strategies appeared to be more risky and involve less sense of power, for example a tendency to form relationships with people who could provide housing. The relationships, or connections formed with these partners, can be seen as building alternative forms of social capital with which to navigate the shifting fields of their lives. For example, in the case of YP1, she said '*I spend all my time with him*'. Her boyfriend and his house were part of her drawing of 'her world'.

Only in the case of YP8 was offending directly related to personal relationships. The first offence she was arrested for was possession of cannabis which, as explained above, was related to an experience of sexual harassment by a young person at school.

*'He ended up following me and stroking my leg and doing inappropriate stuff and I thought he was going to get away with it but my friends like x and y and z friends thought it was a massive joke and they invited him along and they didn't know how serious it was and it got to a point where he said to me "if you find me a bag of weed I will leave you alone."' (YP8).*

Her second offence was in relation to a fight with her partner's ex-girlfriend. There was a sense from her description of this about this and her distance from her own family that this relationship was somewhat co-dependent. It appeared that this was bound up with her transition from adversity in adolescence into the adult world. The responses she received from services about these two incidents appear starkly mismatched with her experiences. By the time of interview, she was receiving long-term support from TYS via another referral route which she valued.



**Figure 5.2 - YP8 - My World**

Happy on new college course

Slightly unsure of life

Wish had better relationships with friends and family      Boyfriend troubles

Find a job      PS3/music      Overthink

There was a sense from the interviews that some of these young people might be vulnerable to child sexual exploitation (CSE). This appeared to co-exist with risks around family breakdown, homelessness and a lack of educational capital. There is a lack of

research about this in terms of how lack of capital and CSE may relate to one another. The risks were not fully known about at the time of disposals and it may not have been obviously predictable at the time as to the offences. However there is a suggestion here that diversionary policy does need to be more closely linked with awareness about indicators of CSE.

For example YP10 had experienced youth homelessness at age 16 following an incident where she described sexual harassment by father's friend;

*'...my dad's best friend started on me as well and started flirting with me and I was not having that and my dad didn't believe me and was like he's not like that he's not like that and I was like if you don't bloody believe your own daughter.'*

(YP10)



**Figure 5.3 YP10 – My World**

Fiancé and mum 😊

Sister

Arguments

Sweeties

Bestie

Dad (poo emoji)

She had got engaged to be married to a man following her experience of homelessness. She said that he had helped her stop smoking cannabis. There was a sense that she was quite dependant on this situation in order to have housing;

*'I started talking to G and he just showed me a different side of things and you know like my mum smokes weed but G has never touched any of that stuff and just thought that if he's never done that that then I can too ...so he's like my brick wall – he's like a brick and I'm the cement that's how I'd put it' (YP10)*

Another example with a suggestion of vulnerability in which the young person had experienced youth homelessness at around the same time as the disposals, was YP12. He said he had moved in with a man to secure work and a place to live. YP12 had left the hostel he was staying in and he explained the process by which he went to live with the man;

*'...I kept staying out til 11/12 and getting drunk and things like that and getting locked out like then found somewhere to go and got to a point where I just kept staying there and staying there and staying there... I had like a 3 or 4 hundred pound fine that I had to get cleared er as a 16 year old boy on £115 benefits it's not going to be done so I had to do that but I managed to clear it all... I told em well I'm leaving anyway 'cause I was moving into a flat with somebody...if I lose my job it would change everything for me and all it's got to take is he says oh no I don't want him as an apprentice so then like it's a different story for me that's what it takes for my dreams he said he will give me a job... we can have the odd argument sort of thing but like everyone has an argument...' (YP12)*

The young person explained that the man was moving his business to town 1 but did not understand why he was doing this. This young man was not explicitly describing sexual exploitation but there was a striking sense of vulnerability to grooming. This is not confirmed, but could be indicative of signs of risk of exploitation.

In some of these cases there is information to suggest there may have been an exchange going on, which links to the CSE definition (Department for Education, 2017). This is therefore an important message for those involved in diversionary youth justice practice that there can be considerable vulnerability for young people receiving these disposals in their personal relationships. Issues which began in family conflict, not attending school and smoking cannabis, had escalated into homelessness and high vulnerability in their personal lives. Diversionary responses in relation to out of court disposals did not seem to address these risks. Whilst the issues are not known about at the time the disposals were given, it may be helpful to ensure awareness of what concerns may leave young people vulnerable to exploitation. This is currently not well served by very minimal responses to young people who offend and also have complex personal and social need.

### Peers

The importance of peers in young people's lives stood out as an important theme from the data. YP1 explained;

*'...you have to make friends otherwise you are alone...so that influences you...'*

(YP1)

A large part of this theme for these young people tended to be in relation to social conflict. There was an absence of settled and confident peer relationships, apart from perhaps YP6 who had a range of friendship groups that he felt part of. Often this related to peers of around the same ages of the young people.

There was quite a variation in terms of people being able to navigate conflict in peer relationships. Overall the sense was that these young people were trying to avoid further involvement in 'trouble'. Many had been involved and said that they were now staying away, for example YP3 described *'Sitting at home, playing xbox, going to mates house...'* to keep away from a particular area that was near his home (see figure 5.14).

As YP12 also explained; *'I used to see everybody all the time...it was shit and get into trouble in area and just sought of keep away from that now and I like to spend time with my girlfriend'* (YP12)

Others felt they had been victims of group aggression and conflict and avoided social space because of this, for example YP8 who explained;

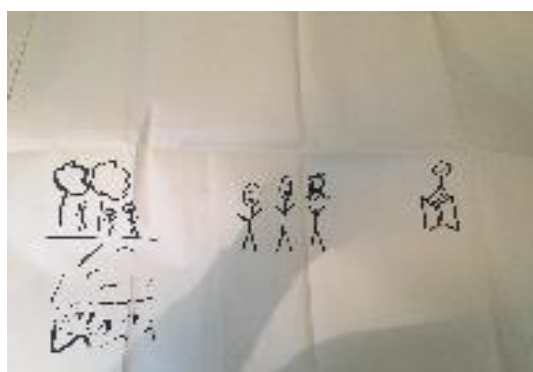
*'It was great last year but the chavs they don't like us cause we're not like them and they're constantly starting fights and another thing about the chavs is they get in your face and I can't really come into town anymore because of it cause I haven't got any female friends I'm scared that I might get dropped again cause there's no one to back my side up'* (YP8)

Some people appeared to possess social skills which helped them navigate various peer groups, which could be viewed as social capital, such as YP6. However even within his narrative there was attribution of peer group labels with particular identities such as *'chavs'*.



This resonates with the observation noted in McLaughlin and Muncie (2001) that labelling patterns are likely far more multi-systemic and complex than suggested by 1960s labelling theory. For example situations of self-labelling or group identity;

*'Well I also have another lot the gamer lot and they're quite judgmental that's probably cause they don't get out as much and they're like he's a pikey or he's a chav or whatever...'* (YP6)



**Figure 5.4 YP6 – My World**

Friends

Study

Peer group issues appeared to be an influence for involvement in offending and on being able to stop offending. Interventions did not appear to address peers and social relationships in terms of out of court responses.

*'I suppose school's hard work and if you are around the same people and they kind of have a bad things about it and you then make the same decisions they do'* (YP1)

*'Throwing stones at windows...causing trouble...people who I got in trouble with...'* (YP2)

Some offences were directly related to peer issues, for example in the cases of YP1 and YP8 who had both been arrested for fighting with peers. For others the analysis suggests that peer group issues may have been related to offending, such as the parent of YP13 who explained;

*'...he's got this gang of mates, the G's, and it's kind of like it's never him like he says 'it's not me' (Parent of YP13)*



**Figure 5.5 Parent of YP13 – My son's world**

Family – Gang

Most of the young people spoke about some level of social conflict; this is quite varied in terms of how people were involved in these processes. It is an observation that those with less awareness of diversionary process also had issues within their peer groups. This relates to the findings of France et al (2012) '...activity and interactions with peers provide the context in which most offences committed by young people in our study took place.' (France, 2014: 79). This suggests that experiencing high levels of peer group conflict and navigating complex social fields in their day to day lives may have reduced any preventive impact of service responses, which did not respond to these issues (see appendix 8). The sense is of mismatch of young people's habitus in terms of their social worlds and the minimalist responses they received in relation to out of court disposals, but

equally the responses received as part of more broad service offers. There was very little sense the offers of support really considered the peer group relationships and social interactions of the young people in the case study examples.

### Substance use

There was some evidence of 'problematic' substance use, for example YP10 who admitted stealing to order to pay for cannabis and being told to leave his family home because he would not stop smoking it.

*'...the reason I'm not living with my mum is because of the social because they told me stop doing drugs or leave your mums house... x gave me the opportunity she was just like sort of quit or get out...Yes it was cannabis, nothing else I could understand if it was anything else...I have smoked it every day for the last 6 years.'* (YP12)

However, for many young people cannabis and alcohol formed part of their peer groups. There was quite a significant theme of substances which were mentioned substantively in 11 of the interviews (YP1 only in relation to the picture in abstract way; YP2 same; YP9 – little or no mention.) Some people were quite clearly various substances, whereas for others there was a sense of 'normalised' use.

For example, YP5 expressed that '*...coke and weed, MD*' were quite acceptable to use, only heroin was seen as socially unacceptable. In the case of YP3 cocaine and MDMA



For other young people substance use sat in the context of other behaviour and lifestyle issues. There is an interesting theme that could be explored in more depth around how young people construct the boundaries to social fields and the part that substance use plays in the habitus of these young people. 'The social and cultural value attached to alcohol and other drug use is not unique to youth, though it is evident in youth accounts of their cultural practices, including their importance as symbolic and social capital (Järvinen and Gundelach, 2007).' (France et al, 2012: 83).

A theme that emerged in relation to substance use was something of a mismatch of the reality of substance use and interventions which looked to advise young people about substances. None of the young people said they found education and advice they received about cannabis had been helpful.

### Education

Many of the young people had experienced past adversity with education including school exclusion. Educational issues were not directly related to offending but sat as context to a sense of adversity. YP2, YP3, YP4, YP5, YP8, YP9, YP10, YP14 all had stories of educational exclusion or non-attendance. This resonates with earlier research such as Berridge et al (2001).

This was an issue for all the young people who had continued to offend and go to YOT. It was also an issue for those who had stopped offending but had continued to present as vulnerable to social care. These issues already existed at the time of the Pathways or CRs. Only in the case of YP1 and YP10 was this picked up as part of work offered by TYS. YP10 had been back in school when worked closed but then disengaged again and was now 'NEET' at time of interview. She recalled,

*'I moved schools and moved schools again' (YP10)*

YP9 wasn't sure who had helped him about school but was by the time of interview trying to focus on his GCSEs,

*'Obviously I went like 3 years at school like hardly going and last year I was on a provision...now I'm thinking I've not done much and GCSEs are at the end of the year...Well I was having issues in primary school as well' (YP9).*

There was a significant theme about the importance placed upon attainment at GCSE and being perceived as being successful or having a sense of hope about the future. GCSEs were mentioned in ten of the fourteen interviews. Nine young people were in year 11 or in post-16 provision, one was younger and interviewed with his dad who mentioned the GCSEs first, the parent interviewed alone mentioned concerns about whether her son would get expected results in his GCSEs. For many of those who mentioned the qualifications this was in the sense that they had either not got the results they had wanted or felt they needed or a sense that they felt they were at risk of not achieving 'well'. This relates to discussion in France et al (2012) who explain that "inclusionary" strategies in education can and do at

times have exclusionary effects (Armstrong, 2005)' (France, 2014: 4) by creating a social pressure about 'achievement'.

YP9 expanded upon the importance of GCSEs and how not achieving this 'capital' could be related to criminal behaviour:

*"...if you haven't got any GCSE's then no you can't really do much and that's why people go and do crimes..."* (YP5)

There was a theme about varied 'aspirations'. Some young people expressed aspirations for the future and while others did not. There was significant weight placed on qualifications as capital that would be central to the young people's transitions to the adult world. For young people who had not attained this form of capital there was a sense of seeking alternative source of capital.

Indeed, 'Bourdieu devoted considerable time and intellectual effort to analysis of education through specific investigations of schools and universities. He was concerned to show the socially (re) productive effects of formal education.' (Grenfell, 2014: 73). This is born out in the primary data in this project, where educational experiences were influenced by the wider systems in which they operated and also by the habitus and field of the individuals experiencing this. Many of these young people had little sense of connectedness to educational fields and possessed little capital in this sense. For those with reduced capital in this realm, there was a lesser sense of the significance of out of court disposals and processes. The young people seemed less concerned about the impact of these disposals on their futures and these approaches had little preventive impact on their habitus in the

context of the social fields in which they lived. Alternative forms of capital, through peers, partners and sometimes drug and alcohol use, were more prevalent as resonant in the habitus of some of the young people.



**Figure 5.7 YP4 – My World**

Friends and family

Holiday plans

College

Self and family and friends

#### Social context - exo and macro systems

There was some discussion about issues of social space, deprivation and media in the interviews. This was prompted to some degree by the use of the picture of ecological systems theory.

#### Community, social spaces

Young people were prompted about whether they felt they were part of a 'community'. Interviewees did not report much sense of 'community' membership which suggests a low sense of social capital in this sense. Young people tended to talk more about the areas in which they spent time and thus was closely related to social space. Some



offences committed were in the context of a community. YP9 said he understood local people were upset with the offending by himself and his peers:

*'...Because stuff was like happening around their communal area and that'* (YP9)

'Social spaces' such 'areas 1' and 'area 2', the skate park, the station, the town centre were raised in many of the interviews. They also featured in some of the 'My World' drawings. YP12 drew a physical representation of himself in his social space.



**Figure 5.8 YP12 – My World**

Narrative talks about not knowing what is going on day to day and being 'chaotic'.

This tended to relate to issues mentioned earlier about peers and conflict. The sense of conflict in social spaces was related by YP2, YP3, YP5, YP9 and YP12 to *'trouble'* in certain areas, which came up several times as being closely related with high conflict.

YP1 explained the place she lived in as, *'sometimes it isn't a very nice area'* (YP1)

YP2 said he felt part of a community area but that this related to social space in which he got into 'trouble':

*'Yep nothing to do there so you just cause trouble'* (YP2)

Indeed, YP9 spoke about a local housing estate and said *'Yeah it's more my world than my family'* (YP9). His picture of his world also supported this. There was an element of relationships with others that he and his mum had made in this area. These relationships were described as supporting his desistance from offending.

Interaction with the police in social space actually formed part of this in some people's habitus. For example, YP2 said the police knew him *'from arresting us in the area'* in reference to 'area 2'. YP3 explained that *'Me and my mates run away from police in the early hours of the morning'* (YP3)

There was mention of 'stop and search' of young people in public space which young people felt negatively about. For YP5 this was related to his first offence. He understood this as being *'arrested for sitting on a wall'*. He received his first disposal for possession of an offensive weapon that seems likely to have related to the stop and search incident. YP14 also felt strongly about being searched for cannabis. She felt she had been targeted in the street due to the clothes she was wearing.

Extra-judicial responses were sometimes related to social space; for example YP2 described the incident most likely related to CR as *'being stopped on the street.'* As discussed above it seems it may not always be clear about CR disposals that are being used in this kind of context.

France (2015) explains that applying political ecology to issues of young people and crime ‘...needs to have embedded within a recognition of how power operates within the diverse sites in young people’s lives (France et al., 2012), and how institutions and policies intersect with the social environment in which the young are active.’ (France, 2015: 77 – 78). Thus it can be seen that extra-judicial responses are received with this context in young people’s lives. Issues of labelling processes can be understood as operating within ecological context, yet very much dependent on how the young person perceive events which can be understood through the idea of habitus.

### Deprivation and economic strain

There were related social and economic issues raised as part of the context of people’s lives with a sense that town 1 was under economic strain. For example YP1 related social conflict to a sense of economic deprivation:

*‘...it is very difficult to, some people would say, cope, there’s a lot of angry people in Town 1, money’s not great, so yeah I dunno’ (YP1)*

She also spoke about her own anger a lot in the interview and her second offence had been in relation to fighting in ‘area 2’ which was one of the areas mentioned in context of social conflict. Thus the shortage of money and anger did offer some context to the offence. The intervention from TYS focused on her anger and family issues; these wider issues of deprivation or why social conflict was occurring were not addressed based on her narrative. YP12 said,

*'...it's like the 5<sup>th</sup> poorest town in the UK ...people do do crime in their life and they do keep it quiet and things like that...I think it's down to a lack of money that's going around nowadays' (YP12)*

YP5 also alluded to economic strain in town 1. He suggested it would be hard to make money through legitimate means as part of reasons for some of his peer group offending:

*'Yeah with a shit job...Yeah, there's other ways to make money faster so...'*  
(YP5)

It is therefore interesting to consider this data in the light of criminological theory which relates to issues of 'strain' (Merton 1968). This is also interesting in terms of how young people's services work in a climate of political and economic austerity which may affect service users' lives. These structural issues affected habitus and field for this sample of young people. France (2015) explains that often policy in relation to young people locates 'political and cultural spheres of life as distal factors' (France, 2015: 76.) It can be seen that these contexts may influence young people's habitus and also their economic and social capital.

### **Summary of the ecological analysis**

This analysis shows how complex the social worlds of these young people were. It emerges from this data that out of court disposals are received within this complex context. There is no 'holy grail' as to what makes a diversionary interaction helpful to an individual. There is a sense that in some cases social adversity and higher levels of previous service contact may make diversionary processes less relevant in terms of trying to bring about a 'critical moment' for desistance or accessing help about other vulnerabilities.

There are important reflexive questions to be asked in the context of this data about the way that diversionary rationale was constructed at the time in the case study area. It appears that a very minimalist interpretation of diversion may be quite mismatched with the social realities of many young people receiving disposals.

There is a strong theme from the analysis about transitions to the adult world. Related to this was a sense of how 'connected' (or 'bonded' to apply a notion from Hirschi, 1969) young people were to family, education, peers and other people in the areas in which they lived. Offending behaviour and extra-judicial responses from the police and young people's services sat within these experiences and were attributed different levels of significance depending on this wider context. Habitus is influenced by the social worlds of the young people which may be understood through the notion of fields. Transitions involve changing dynamics of fields and capital plays a significant role in securing these transitions.

### **What seems hopeful?**

Young people reported some positive interactions with services, however in many cases there was an overarching narrative of difficult experiences and feeling disengaged from service offers. This resonates with the analysis at the start of this chapter where some young people appear not to have had seen a Pathway assessment or a CR as a significant event that prompted any kind of reflection on their own behaviour. The sense is that for those young people with greater social adversity and those with more complex patterns of service contact, minimalist diversionary responses are unhelpful for addressing need. There was, however, a sense of hope in what young people found helpful.

First, there is a sense from the data that it is important to ensure the understanding of the young person and their parent/carer when delivering these kinds of responses. It appears that having a clear understanding and being able to relate this as relevant to their life was important in supporting behaviour change.

Three young people spoke positively about their experiences of working directly with TYS following a Pathway. YP1, YP5 and YP10 said they had found TYS good to talk to and that they had help with things relating to their emotional health and anger. They said that they had received help with things relating to family and education. In the case of YP10 however she had found the ending of the work difficult and that '*things went proper downhill*' after the work ended. YP5 found TYS's approach distinct from that of statutory services he was involved with and he appreciated the value of having someone to talk to.

YP2, YP3 and YP8, YP11, YP12 and YP14 all described feeling listened to. They tended to value such things as TYS being young person-centred, as YP2 explained,

*'TYS is there as much as they are because you lot take us out and talk to us and then bring us back whereas them lot they try and talk to us all at once.'* (YP2)

There was a positive comment about YOT EI by person 6 who commented that he had felt listened to by the worker. There was also a positive mention of social work in relation to the referral she had made from social care to TYS and they commented that the social worker had been helpful. There were several positive remarks about the police, which included comments about community officers being approachable and also a school officer who had been supportive;

*'...come over to you, talk friendly like not as if you had done something wrong just to have a friendly talk.'* (YP1)

*'She goes to all the schools talking about drinking and drugs and helped out a lot with stuff.'* (YP4)

There was also positive feedback about 'My Time' which was a small group work project that two of the young people had accessed. The young people had enjoyed participating in a small group to share their feelings.

'Relationship-based practice' (see Robinson, 2014) is a useful term which helps to summarise what appeared to be valued by service users when they spoke about any of the

services they mentioned including TYS, YOT, social work and the police. This appeared to be more important than 'specialism', or which service a person was from.

This resonates with the work of Barry (2000) which is discussed by Robinson (2014) explains 'The role of relationships is worth considering in more depth. In a Scottish study of probationers and ex-prisoners, interviewees (all over the age of 16) discussed the qualities associated with a good relationship and identified these as trust, friendship, openness, caring and an easy-going manner. In contrast, difficult relationships tended to arise when social workers adopted authoritarian, judgemental, rigid or distant approaches (Barry, 2000)...' (Robinson, 2014: 48).

There was also a sense that approaches that promoted connectedness offered hope for building helpful cultural and social capital for young people and their families. Examples of this include YP9 who said that his mother attending a parenting programme where she had made new relationships with people in a local community had made a real difference to their lives. He felt the adults they met with had been a positive influence on him and helped him stop offending. Also, YP8 spoke attending an education programme at college that had helped to connect her back with education and offer her hope about being able to achieve access to work in the future. YP1 felt her worker had supported a better relationship with her family. This way a viewing approaches to helping young people, particularly in relation to preventing difficulties continuing into adulthood, would benefit from further exploration.

### **Conclusion to the chapter**

Themes emerged from the analysis about how people attributed significance differently to out of court disposals they received and the services they had contact with.



Some young people who had attended a Pathway assessment seemed to have attributed a helpful degree of significance to this event in their lives. In a few of the cases this seemed to have supported a 'critical moment' (McAra and McVie, 2010) to get help and make changes in their lives. Diversionary policy would suggest that attributing significance to such an event might be unhelpful but in some of the narratives here there was a sense that seeing the event as significant had promoted desistance and engagement in support. There is also resonance with the ideas expressed by Henderson (2007) and described in Robinson (2014) as to '...the significance of critical moments in young people's lives. A critical moment is defined as an event described in an interview that either the researcher or the young person identifies as having important consequences for his or her life or identity.' (Robinson, 2014: 14).

However, some young people had little recollection of these sessions and had attributed little significance to them. These tended to be the young people who had experienced a lot of personal adversity and related high levels of prior-service involvement. In these cases the young people re-offended and went on to receive court orders. This small sample suggests that this kind of lack of clarity did not promote desistance but rather it sat in a context of ambivalence about services and much wider contexts of social adversity. There was a sense that these contacts may have been quite mismatched with what was going on in their lives. There appeared to be a need to work to promote the relatability of services to young people, rather than being driven by an approach in maximum diversion to one which seeks to engage with young people in a way which is relevant for them and offer support on a needs led basis.

There were also some themes in relation to contact with the police which are important to mention once again. Some people found the experience of contact with the police to be difficult which tended to be characterised with a sense of injustice which related to narrative about policing behaviour. Also, there was another group of young people who

may not have known that they had received a disposal at all in the case of police-only CR. There are practical implications of these themes which are that there is a need to promote transparency in the use of police-only disposals and work to be done in terms of how young people perceive the police.

There was a sense that many of the young people experienced considerable levels of adversity, with themes around vulnerability in family and personal relationships and also peer groups and local communities. The sense from the analysis is that young people who receive extra-judicial responses may have far more complexity in their social worlds than diversionary youth justice policy allows for.

The influences on young people's lives can be understood through Bronfenbrenner's systems to recognise that habitus and doxa are influenced not just by settings in which the person is present but also by settings outside their direct involvement. Incidents of offending behaviour sat in a context of complexity, the way the young people received responses to these incidents was affected by their social context. It seemed that for some young people they were navigating complex fields within their day to day lives. There is considerable resonance with the perspective presented by France et al (2012) who suggested that young people's relationship with crime can be understood in ecological terms. This lends critical perspective to the idea of whether young people were 'willing' to change their behaviour and promotes a perspective which balances agency with awareness of structure about young people's offending behaviour.

There was a sense of both social and cultural capitals being developed and exchanged as young people negotiate transitions into the adult world. For some young people there was markedly less sense of connectedness with family, education and settled peer friendships. Often these relationships were characterised with conflict and disruption where young people sort to develop alternative forms of capital to help with their transitions.

The services they received in connection with out of court disposals occasionally helped to promote connectedness, but often they did not.

The suggestion is that clear and transparent responses offer most hope for promoting desistance. Unclear or misunderstood disposals and service responses do little to promote change. It may be harder for young people to experience a 'critical moment' for change the context of greater adversity and social complexity and related complex services involvements.

The suggestion from the interviews is that a focus on relationship based practice, as discussed in Robinson (2014), is helpful in offering services that divert young people from prosecution but respond to young people's needs. This is relevant for the police as well as young people's practitioners. Practice approaches which promote connectedness could be further explored, and this should include consideration to extra-judicial responses so that rather than linear responses, young people can access preventive services which allow for the complex ecological context of their lives.

## **Chapter 6 – Implications of findings in relation to key concepts**

This chapter presents a discussion of the conceptual implications of the analysis of the primary data. Through this small-scale study it has been possible to develop ideas about how diversionary processes are experienced and constructed from both service user and service provider perspectives. The analysis lends itself to development of conceptual insight into the theory of extra-judicial responses in the UK context as it is possible to relate this work to wider discussions that have taken place as explored in the literature review. The observations that have been made about concepts in chapters 4 and 5 are summarised here. The idea is not to suggest this as fully conclusive but to contribute a new perspective through developing reflexivity about policy and practice surrounding extra-judicial responses to young people's offending.

### **Exploring key concepts from the analysis**

The review of the theory literature highlighted that various sociological theories of crime emerged in the 20<sup>th</sup> century. Developing in the context, 'labelling' theory gained prevalence through the work of theorists including Lemert (1972), Becker (1963) and Young (1971). This thinking has been particularly influential in UK youth justice policy in relation to extra-judicial responses to young people's offending behaviour. Research such as the Edinburgh Study of Youth Transitions and Crime (McAra and McVie, 2007/2010) has supported a point of view that for many young people having their adolescent deviance labelled as criminal may be unhelpful to desistance. Related policy suggests that 'formal' processes such as criminal records, court appearances, engaging with services on an ordered basis and potential experiences of custody, is unhelpful and may create situations

where young people find it harder to leave offending behind in the teenage (or even pre-teen) years.

Various critiques of labelling theory have been set out in the literature review, which include those who have proposed a need for more of an emphasis on social inequalities that surround some of the interactions involved in criminal justice responses, i.e. why certain groups may be likely to be labelled. These ideas call for greater awareness of political influence on the construction of crime and criminality. Other people argue that labelling draws away from a realist perspective and the impact of primary deviance on people's lives. Others have questioned variations in how individuals receive disposals and that significance of events is highly contingent on personal and social circumstances. Braithwaite (1989) proposed the notion of reintegrative shaming and Sherman (1993) suggested 'defiance' as an important concept in understanding how a similar disposal for a similar offence might be experienced differently by individuals.

Indeed, as well as promoting the idea of 'maximum diversion', research by McAra and McVie (2010) has also shown that for some young people adolescent offending is part of a picture of much greater adversity. There was a suggestion around a need to seek new ways to conceptualise young people's interactions with 'the system' to better understand how responses can be offered to meet need, promote moments for positive change and avoid a stigmatising response. Some of these research messages and related theoretical critique appears lost in the policy on out of court disposals. Thus there is an ongoing need to understand conceptual issues surrounding the use of out of court disposals and diversion from prosecution.

### **The implications of the findings in relation to key concepts**

Adopting concepts from Bourdieu (Bourdieu and Wacquant, 1992) and also Bronfenbrenner (1979) to develop the notion from France et al (2012) of political ecology, the multi-level nature of young people's development and interaction with their social worlds allows for a broader and more reflexive consideration of how diversionary processes work. This perspective allows for personal stories and experience to be considered as well as encompassing a socio-political dimension to issues of young people and criminal justice responses. The sense is that a linear adoption of a notion of 'maximum diversion' is mismatched with young people's experiences and may not drive helpful responses. It is also important to highlight that what 'maximum diversion' looks like in practical terms is not easy to define. This has been particularly interesting when the data on policing responses, where practice is defined as being outside 'the system' and yet perceptions of the responses have generated quite negative and potentially criminalising experience for young people.

The approach of 'political ecology' does not discount the propositions of some of the other thinking about young people and out of court disposals. It allows for the idea of social interaction and that sometimes individuals may experience service responses as labelling. It also allows for some of the critiques of labelling theory to be accepted in a situation specific sense. Issues of personality (or habitus), micro-level engagements and responses, the experience of navigating fields of provision, as well as far wider social fields the person lives in, are seen to have influence on how extra-judicial responses are received. It also allows for wider socio-political aspects to be accepted as having an effect on how the habitus, doxa and fields that individuals live in are influenced by policy and wider social context. In the case of diversion the socio-economic conditions of austerity for public services may drive a target-driven policy approach which in turn drives practice which is minimalist in its approach to offering support.

In developing this conceptual perspective, Bourdieu's 'thinking tools' (Bourdieu and Wacquant, 1992) have been very useful because the concepts help to illuminate diversionary processes in social context. As explained in chapter 1, Bourdieu set out some of his thinking tools in terms of a formula:

'[(habitus) (capital)] + field = practice (1984: 101).' (Li, 2015: 130).

This section now explores how these notions have been applied in the analysis of the data and how this helps to develop a reflexive position about practice. This is not the way that diversionary processes are traditionally thought about and so this exploration extends the way these concepts have been applied to other contexts.

### Habitus

The notion of habitus is of particular interest in the context of diversionary practice because so central to the ideas underlying diversion are suggestions about how the self is affected by the reactions they experience from the wider world. As already detailed in chapter 1, Grenfell (2014) explains 'Bourdieu's concern with habitus is the problem of how the "outer" (the social) becomes "inner"' (Grenfell, 2014:107). The sense from the data here is that this occurs within ecological context.

The complexity of individual habitus stood out from the data. The interviewees' sense of themselves emerged as being influenced by a far wider ecological context than which disposals they had received. In the case of contact with the police it seemed that it was the

experience of the interaction rather than the disposal that stood out from the narrative as impactful on habitus. The way incidents were understood appeared affected, however, by a wider set of life experiences which appeared to affect the degree to which service responses took on significance in the habitus of the young people.

There could be further work done in this area to understand more about habitus and identity of young people in contact with youth justice services or indeed social care services. The method adopted here provides enough data for an indication of these processes and how useful habitus may be as a concept for understanding identity within ecological context.

The implication is that linear and minimalist diversionary processes represent an overly simplified view of how habitus evolves. The notion that a disposal or service response in itself constitutes 'system entry' in experiential terms emerges as questionable. It seems from the data that such processes are far more complex and organic. Thus the rationale for the use of very minimalist responses that are not well joined up with wider pictures of need does not seem helpful to supporting young people for whom offending may be an indicator of emerging need.

There was, however, also a sense that for some young people receiving services to address need was part of their everyday worlds and a possible sense of ambivalence had been adopted into the habitus of some young people. This suggests that careful consideration is needed as to how to offer support so that it is relatable and helpful for the young person. Young people did say they liked the approach of Targeted Youth Support as they felt listened to and able to talk to the workers and that they were central to the intervention.



There was also a sense of staff habitus from the data which provided a sense of how 'the system' operated with practice influenced by the habitus of staff. This is central to the sense of the construction of fields of practice where the parameters of the field were developed in relation to habitus but also wider contexts. Habitus appeared to be shaped by policy and related to a sense of internalised doxa about what is right. The discussion the staff had about professional background can be understood through the notion of habitus, so that whilst this is unique to each individual there was a collective element of shared purpose of the fields in which they practiced. This perspective opens up an area that could be explored in more depth in terms of how helping services construct their practice rationale.

### Doxa

The notion of 'doxa' sits closely with habitus. Doxa was particularly noticeable from the staff data with what was seen as right in terms of practice rationale. This included how the police carry out some community resolution with no involvement from young people's services. Also, there was arguably a sense of doxa in terms of the view that young people might be criminalised by contact with young people's services in relation to offending. The staff group did, however, engage in a level of critical reflexivity during the discussion about how their professional backgrounds could affect what they saw as right in their practice.

In terms of the young people and parents who took part there was a sense of doxa in relation to engagement with services for some young people who had multiple involvements. In some young people's narratives there was an indication of '...the unwritten "rules of the game"...' (Grenfell, 2014: 56) in terms of non-engagement. Equally in terms of contact with the police, for some people a general dislike of the police may have been part of their habitus and associated with an underlying doxa rather than necessarily based on experience

alone. There was also a sense of doxa in relation to education and GCSEs as a form of cultural capital (see Grenfell, 2014). This related to more abstract notions of how young people perceived themselves in relation to 'success' but also in relation to tangible value that may be needed to secure work in the future. It appeared that attitudes about this were internalised from a significant social message about attainment at GCSE and one which formed part of the habitus and doxa of many of the interview participants.

Also, doxa can be seen to play a role in how young people experience disposals and service contact through perceptions around how disposals may affect the future for example. The significance the disposal took on could be understood with the context of the young person's social world. For some young people out of court disposals may be constructed as '*a few slip ups*' but for others the experience and the disposal generated more concern and sense of deterrent. This was linked with wider issues of field and capital which will now be discussed.

### Field

The analysis of both staff and service user data revealed themes about how different practice tended to happen in different services and this lent itself to consideration in terms of 'fields' of practice. This included descriptions of Youth Offending Team and Targeted Youth Support practice and also experiences of contact with the police. The staff group discussed how experience and training of staff (their '*background*') could influence responses received by young people in the name of diversion.

The sense that there was a social space where practice was ascribed meaning through habitus and doxa of the staff members and also influenced in socio-political context

led to an emerging sense of 'field' in terms of understanding the different services involved. The staff group discussed whether there were issues around equality of experience in terms of youth justice responses due to the different practices taking place. They also discussed how Youth Offending Team Early Intervention had not formed part of the 'Early Help' strategy locally. Figure 4.8 showed how the services sat somewhat separately from each other which added to the sense of 'field' in understanding how each service worked.

There was also a sense from the data of policing practice working as a field of practice. The focus group described how Youth Offending Team were not involved in police-only CR. Service users spoke about their experiences of contact with the police as quite separate from other service contacts. It is interesting to consider through a critically reflexive lens as to whether this field is really outside 'the system' as policy on community resolution would suggest. The sense from all of this data was that the behaviour and wider needs of the young person were responded to not by the individual and their circumstances, but by the practice rationale of the field with which they had contact.

In considering what this sense of 'fields' of practice meant from service user perspectives, it emerged that contact with multiple fields of service provision may form part of some young people's regular experiences; as 'forces' that France et al (2012) suggest as influential on young people's developing sense of themselves. Thus processes of criminalisation or 'system entry' sit in the context of how young people experienced service contact, both directly in relation to an out of court disposal and also in a broader context of which services they had had contact with. What emerged from the service user narratives was that it is people rather than services that matter and that positive interactions with workers whether they are from TYS, YOT or the police could make a difference to their lives. This is further explored in chapter 7.

The service user narratives also provided insight into the wider fields of the young people's social lives. It emerged that for many of the interviewees they were navigating complex issues in their personal lives. There were considerable degrees of conflict and lack of economic resource in the social fields many of the young people occupied. The fields in which they lived appeared characterised by the need to navigate conflict. There was also a lot of change happening in the lives of the interviewees as most of them were aged 15–17 years old. The notion of field can be applied to these changes where there was a need for transition from one field (or set of fields) to another. The concept of capital arose as important for helping negotiate such changes.

Receiving extra-judicial responses appeared somewhat lost in these contexts where there was mismatch in terms of the need and the service responses. The notion of capital will now be explored as this was an important element that emerged from consideration of the sometimes shifting social fields of the interviewees' lives.

### Capital

When analysing young people's narratives, the notion of capital has emerged as helpful for understanding what some young people seemed to be able to use more than others to help them navigate their social worlds. While all the young people spoke about encountering degrees of social conflict there were some who appeared to have ways of managing this with less involvement in violence or high levels of conflict.

There were also differences in how some young people seemed able to deal with educational fields. There was a sense that the young people possessed varying levels of

both social and cultural capital. GCSEs were discussed in most of the interviews and appear to be a form of cultural capital (see Grenfell, 2014). Social capital came more in terms of whether young people felt part of peer groups and whether they participated in physical conflict or offending in order to belong.

Indeed, many of the interviewees were negotiating transitions in terms of moving from adolescence to young adulthood which gave a sense of shifting fields. In order to negotiate these transitions some of the interviewees appeared drawn to relationships in which there were signs of dependency or exploitation and/or peer groups involved in offending as the influence of their familial fields decreased. It appeared that forming alternative connections in peer and partner relationships which helped to secure food, housing and money allowed for forms of capital to be built.

For some of the young people, however, there were signs of positive connections which reduced the feeling of vulnerability in their lives and gave more of a sense of hope, such as positive adults whether parents or others who they were having contact with and improved engagement with education. These can be understood as forms of social and cultural capital which reduced a sense of the need to take higher risks to secure means to meet their own basic needs and to open up options for further development of capital in the future such as returning to education.

From this inductive approach to the data it seemed that supportive interventions with young people promoted connections (or bonds) and thus helped them to build social and cultural capital. It seemed that when young people were supported to build connections this helped to build their capital which was then of help to them in negotiating less risky transition strategies. This relates to Robinson (2014) who explains, 'Within the Inventing Adulthood

study, the researchers go beyond Bourdieu's concepts of social capital in suggesting that young people are not just passive recipients of their parents' capital, but are active producers and consumers of capital in their own right (Holland et al, 2007).' Robinson, 2014: 12). This could be explored further in relation to young people and extra-judicial responses as well as young people's services more generally.

It is also interesting to note that capital may be observed to play a part in the fields of service provision. Staff working in fields of practice appeared to have their own forms of cultural and social capital. There is a sense that allying to policy messages provides cultural capital in terms of shared language and understanding within the field and also social capital in that the group of staff ally with this perspective. This could also be developed as an idea in terms of further work to explore how services may be understood through applying Bourdieu's thinking tools.

### Bronfenbrenner's systems

The ideas of Bronfenbrenner were introduced early in the research design, in exploring ideas about a 'multi-level' (McAra, 2012) perspective about young people and diversion. His ecological systems were used as a conceptual framework for the service user interviews.

In developing the analysis, the notions from Bourdieu emerged as having relevance for understanding the data and developing the multi-level perspective about experiences of system contact. It is interesting to note that France et al (2012) developed their work on the political ecology of young people and crime by integrating the ideas of both Bronfenbrenner

and Bourdieu ‘...to construct an analytical framework that enables us to understand the ‘nested’ ecological relationships and their role in the development of young people’s social and cultural identities.’ (France et al, 2012: 6). This integrative approach has been extended in this thesis to understanding the policy and practice of diversion of young people from prosecution.

The application of Bronfenbrenner (1979) has provided some rich qualitative insight into the social worlds of the interviewees as explored in chapter 5. This approach to understanding the worlds of the interviewees contextualises diversionary processes in wider ecological context. The traditional approach as described in chapters 1 and 2, to a minimalist approach, driven by a rationale of ‘maximum diversion’ appears to promote a rather linear set of responses to young people’s offending. It has been helpful to conceptualise the way the services work as operating at the meso level when the concepts of Bronfenbrenner (1979) are applied to the analysis. The fields of provision, and indeed the habitus and doxa of the staff working in the fields, appear to be influenced by socio-political context at the exo and macro levels with a sense that staff had internalised policy narrative about avoiding ‘criminalising’ the young people.

The data also suggests that various issues from the ecological systems influencing young people’s lives may affect the significance placed on pre-court processes. This includes micro-level influences of family, education, partner relationships and peer groups, which also contribute to forming the meso system. Macro-level influences such as economic deprivation and also social policy including that of ‘diversion’ in youth justice contextualise and influence the experience of the young person. Essentially, applying these ideas promotes a critically reflexive position about the practice taking place.

## Reflexivity

Costa and Murphy (2015) explain that 'Bourdieu's social theory is also marked by his "obsession with reflexivity" (Bourdieu and Wacquant, 1992, p. 36)' (Costa and Murphy, 2015: 5). This has been a highly significant contribution to the findings of this thesis. By adopting ideas of Bourdieu and Bronfenbrenner as a conceptual framework a reflexive position has been developed about the practice taking place.

This perspective has helped to develop insight about 'the system'. Also, applying these tools has shown that socio-political context at macro level has significant influence on policy which has influence on practice. The notion of 'system entry' as has emerged as a social construct which should be understood in terms of people's experiences rather than in a linear approach driven by the First Time Entrants target.

The experiential data discussed in chapters 4 and 5 suggests that it is important to understanding how young people experience their contacts with fields of the system rather than which disposal they receive that may affect their sense of self. This shows how young people do not experience one 'diversion' but a whole range of complex interactions. Thus labelling and helping processes are seen to occur in ecological context.

Political ecology, therefore, offers new insight into the processes of young people's interaction with services. This promotes a perspective that perhaps policy is driving a rather linear view of young people's emerging offending behaviour which sits within the context of austerity. The suggestion is that the conceptual perspective suggests that there is a need to



develop more integrative policy approaches to drive practice that is responsive to young people's needs.

## **Chapter 7 – Conclusion and Ideas for Policy and Practice**

### **Introduction to the chapter**

This thesis presents a case study of practice about the use of out of court disposals with 10–17 year olds in one local authority between 2012 and 2014. The analysis of primary data has been presented in chapters 4 and 5 where the experience of a group of service users who had received out of court disposals has been explored. The perspective of a group of staff involved in the delivery of extra-judicial responses has also been gathered and analysed. The staff data provides insight into practice rationale which it emerges are grounded in diversionary policy messages. The analysis has allowed for the development of new perspective about the workings of 'the system' and critical reflexivity about diversionary practice.

It is recognised that this has been a modest piece of research which carries some limitations. This includes the fact that this was a small sample size of young people from one local area and the young people were selected by convenience. There is no representation from anyone from any diverse ethnic backgrounds. There is however a good male/female balance and a range of disposals types had been experienced. Also, the staff group was small from one town within LA1 who were involved in delivery. The time period of the research was over three years ago, although very similar models of practice remain in place. There are also various limitations with regards the quantitative data which are explained in chapter 3. It would also have been helpful to have had access to police service participants.

Nevertheless, the methods applied have generated some interesting findings that it is hoped will have some relevance for onward development of policy and practice in terms of extra-judicial responses to young people's offending. Indeed, the participative approach and nature of the experiential data provides insight into how young people experience their contact with services and how this may impact on their sense of self and their worlds. It is, therefore, hoped that the results will be relevant to those in other settings.

The findings from the primary research will now be set out. Then some thoughts about what this means for practice will be suggested. At the end of the chapter there are some ideas for further research.

## **Findings**

The analysis in chapter 4 supports the notion that 'diversion' encompasses a wide range of practices (as expressed by McLaughlin and Muncie, 2001). By applying Bourdieu's concepts to the data, the practice taking place can be understood in terms social fields of service provision. Staff and service user narratives both contribute to the perspective of services operating as 'fields' of practice. Themes about the approach to diversion taken by Youth Offending Team, Targeted Youth Support and the police can be observed.

Indeed, it seems that the way practice rationale was constructed was influenced by diversionary policy that sits in a socio-economic context of austerity. Each field adopted the meaning of diversion slightly differently. Delivery of pathways had moved away from the '*holistic*' approach of Targeted Youth Support and more towards the minimalist responses that appeared to be offered by Youth Offending Team Early Intervention Team and the

police. The staff at the focus group acknowledged these differences in approach and attributed this to professional backgrounds of the staff involved.

In developing critical reflexivity about the qualitative data a new perspective about 'the system' can be gained. The notion of 'system entry' emerged as a social construct rather than the tangible entity that policy would suggest. It has become clear that the concept of a 'First Time Entrant' is measured by which disposal a person receives rather than how they experience service contact. The person's perception of 'entry' or otherwise to the system is not considered. Indeed, many of the young people had contact with multiple services, including social care and early help. For some young people, the idea that receiving a disposal in itself constituted system entry was mismatched with their experience of existing complex service involvement.

The analysis here suggests that the premise that receiving disposals directly from the police would be experienced as being 'informal' is open to question. There was a sense of a separate field of policing practice, which is constructed in policy terms as outside the youth justice system. This practice is not necessarily experienced as being 'informal' by young people and their families. Many of the interviewees found contact with the police part of a picture of difficult experiences of service contact. This appeared to have more of a negative influence on habitus than contact with Targeted Youth Support or Youth Offending Team Early Intervention. The practice of community resolution may well have had pragmatic usefulness in some contexts but there appeared to be a lack of understanding about what was taking place from a service user perspective.

Indeed, a wider sense of lack of understanding about disposals did not appear to promote desistance for the interviewees. Young people with multiple and complex needs

were not well served by minimal youth justice responses in the examples in the study. For those young people who continued to offend disposals they had not clearly understood their early contacts with diversionary services. The suggestion for policy and practice is that it is important for disposals to be used transparently and that understanding around their use should be clarified. Where possible, responses should try to connect with young people and engage them in a way that recognises the ecological context of their lives.

It is evident from the data in chapter 5 that the young people's social worlds can be understood in terms of ecological systems and social fields. Out of court disposals are seen to be received in social context which affects the way the disposal is understood. Some young people had contact with multiple fields of practice in terms of their experiences of extra-judicial responses. Others had also had contact with a wider group of services and for some young people there was a sense that they were used to navigating contact with various fields of service provision. There was, however, a theme about young people valuing services that they felt related to them as individuals and offered them 'someone to talk to', as highlighted in chapter 5.

There was a theme about a sense of connectedness which some young people seemed to have more of than others. Those young people with these connections to family, education, peers and personal relationships that were characterised by choice seem to have had more social and cultural capital, as explained in chapter 6. The young people with lower sense of connectedness tended to adopt transition strategies in which they attached to personal and peer relationships where there appeared less choice and greater dependency. In the cases of these young people their offending behaviour had been symptomatic of emerging need across a range of areas which correlate with the policy themes highlighted in

chapter 2. Whilst they had received services, their vulnerability to exploitation in their personal relationships was not fully recognised.

It is also an observation from the data that there were considerable issues at more of a 'macro' level in terms of deprivation. Services, therefore, are responding to issues at individual and micro levels but there are issues of social inequality which contextualise practice and service users' worlds. It is important to hold this in mind when thinking about extra-judicial responses and also services for young people more broadly.

There were things that young people valued about the services they had received. This can be broadly located within a notion of relationship-based approaches. This was true for Targeted Youth Support, Youth Offending Team, social care and the police. Young people and parents remembered those workers who had taken time with them and been clear and approachable. The approach of Targeted Youth Support stood out as valued by young people because they felt they could talk to the staff and also that they were at the centre of the work. There was learning for practice in some aspects but primarily the service was valued for its relationship-based and young person-centred approach.

### **Ideas for policy and practice**

The analysis of data from this research project promotes an ecological understanding of young people's social worlds in which out of court disposals are received. It is acknowledged that these disposals are often helpful for young people so that they move on from adolescent offending. There is also considerable pragmatic usefulness for services in terms of cost-savings.

There are however some themes that have emerged which can be carried forwards into developments for policy and practice:

- It is important that young people and their parent/carers understand the disposals being used from community resolution to conditional caution. This may require consideration of social context and reflexive practice which supports young people to relate more to processes.
- The sense of navigating 'fields' could be reduced. Workers involved in early intervention in terms of youth justice responses should be closely connected with early help services that may offer needs based decision-making and assessment. Role clarity should be maintained and there is no suggestion that Youth Offending Team (YOT) and early help roles should be merged. It would however make a lot of sense to ensure good quality person-centred screening for wider need at the assessment stage and onward referral to holistic early help services with the agreement of young people and their parent/carers when appropriate.
- There is likely to be no 'holy grail' (see Smyth, 2010) in terms of which young people will re-offend and which will not. There is however significant learning about diversionary processes in ecological context which indicates best hopes will lie in relationship-based practice. It may be helpful to develop approaches that seek to build 'social bonds' and connectedness that helps to build the social and cultural capital of young people.

- The principle of diversion should be maintained whilst offering needs-led services.

Onward referral routes from YOT Early Intervention and similar teams can be strengthened to allow an ending to the criminal justice response but access to onward holistic support.

- Workers and managers could be supported to develop reflexivity about 'diversion' and to consider the multiple paradigms at work within diversionary policy. This could support critical decision making about how best to respond to young people's needs.
- There is a need to develop partnership between police and children's services which can improve screening processes in terms of the use of police-only community resolution. There could be greater joining up police-led decision making with a broader picture of need. Also, more could be done to improve the relationship of young people and the police. The analysis here suggests that greater attention could be paid to the process of arresting young people and interaction with young people with the police rather than a focus solely on which disposals are recorded in youth justice statistics.
- Data on responses should be routinely collected and analysed in an integrated way. This is important for supporting equalities monitoring in terms of decision making and whether certain groups may be more likely to be up-tariffed for particular offences. It is also relevant to understanding need in young people's lives and also re-offending patterns that current recording processes make it hard to understand with accuracy. This is true at local level in LA1, but national data also suggests a lack of joined up recording about community resolution, re-offending and the social demographics of those people receiving this type of disposal.



- At a policy level there needs to be greater articulation of how police services and children and young people's services should be working together in terms of diversion. There could be a review of the First Time Entrants target to reduce the drive to reduce the contact of young people with services that may be able to offer them help.
- It appears from the ecological analysis that many of the social policy concerns discussed chapter 2 are relevant to the social worlds of the interviewees. This includes issues of cultural and social capital at age 16 and the importance of transitions from adolescence to adulthood, which included vulnerability to exploitation. For some young people offending was a sign of emerging risk in their personal lives. This should be more clearly articulated in policy to allow for a more holistic approach.
- There are also macro issues of deprivation and poverty which contextualise young people's lives, their offending and the services they receive. These concerns need to be addressed at social policy level.

### **Ideas about future research**

It would be very interesting to explore the dynamics of the social worlds of young people in contact with services further. The suggestions about the importance of Bourdieu's thinking tools for deepening understanding of how criminalising processes might occur or be avoided would be very interesting to develop. In order to do so ethnographic research could

be considered to develop greater insight into social worlds of young people over a longer term, in which ambiguity could be explored and clarification sought.

It could be interesting to work with young people who had become more persistent in their offending to explore their early contacts with criminal justice processes. The ecological context in which disposals has emerged as important through the analysis presented here and so greater detail of this in relation to how pre-court responses are experienced and understood by individuals would be useful to explore further.

It would also be very interesting to research the social fields of police-only community resolution to explore the practice taking place and how this is constructed by those delivering it. The experiences of young people in relation to these disposals could also be further explored to contribute to practice improvement.

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## Appendices

### Appendix 1 – Example Young People’s Interview Schedule

#### Review

1. Confidentiality
2. Consent
3. Voice recording
4. Use of images
5. Asking questions; taking breaks
6. At the end reviewing what has been said

#### Social process and influence exercise:

Please use the pens and paper to draw or write to describe you and your world at the moment.

Please think about creating an image of yourself...

Then please draw or write anything that helps you explain your world.

You, your family, friends, and people you socialise with and things you do with your time, your communities, your environment and spaces you live in or visit, services, your town, wider world.

Things might be a big part of your world or they might be a very small part of your world but it would be helpful to include anything that comes to mind.

What influences you and how you behave?

Are there any pressures?

Are there supportive things?

What are you thinking in the picture?

#### Perceptions of self: (Use flip chart and pens):

- Time line – Past Year in Your Life (or timeframe agreed
- Please describe any ‘significant things that happened in my life’ by adding them to the timeline

How did these things change over time?

- Words to describe me (sheet from Bates, 1996); Good things about me/my life; Bad things about me/my life; What I do in my spare time; People I spend time with; My family; School or college; Anything else important to you?

- Please add 'services I had contact with' to the timeline

Experience of 'system contact'

If 'being arrested', seeing TYS/YOT came up as a significant event(s) then follow up with -

A – How would you describe the incident you were arrested/received CR for?

B - How would you describe what happened when you were arrested/had contact with the police and how you felt?

How do you think being in trouble with the police affected you? For better or for the worse?

What led up to you starting offending/ committing a criminal offence?

What made you stop offending or reduce offending (if this is the case)?

What makes it hard for people to stay out of trouble?

What helps people to stay out of trouble?

C - Who did you see after the incident in terms of services/workers?

D - What did you do with your TYS/YOT worker/ (Police officer for with CR only)?

- Assessment and plan
- Apology letters or making things up to Victims or the community?
- Feelings, emotions, anger
- Activities
- Support about school/college
- Family
- Health work including sexual health and relationships or substance use work
- What else?

How much would you agree with the statement out of 10; can you say how for each one?

Things have changed for the better since I had contact with this service?

1      2      3      4      5      6      7      8      9      10

My view of myself has changed?

1      2      3      4      5      6      7      8      9      10

I have made changes in my behaviour?

1      2      3      4      5      6      7      8      9      10

Things have changed for my family?

1      2      3      4      5      6      7      8      9      10

I am looking after I better?

1      2      3      4      5      6      7      8      9      10

I get on with others better?

1      2      3      4      5      6      7      8      9      10

My plans for my future have changed?

1      2      3      4      5      6      7      8      9      10

My friendships have changed

1      2      3      4      5      6      7      8      9      10

I am taking better care of my health and/or personal safety

1      2      3      4      5      6      7      8      9      10

### Return to the image of 'Me and My world'

Clarify and discuss the image – is there anything to add or change

What about any of the topics mentioned as part of intervention – are any of these things part of your world?

Using the systems theory diagram – discuss each things mentioned including 'media' and 'society'.

How about the future could you draw the road ahead for you?

## Appendix 2 – Focus Group Themes for Discussion

Various (largely open) questions will be asked spontaneously to facilitate a discussion between participants

Themes for discussion on printed cards -

- 1) Out of Court disposals - what are they? Who gets which outcome? How are decisions made?
- 2) Early Help - Early identification - Early intervention
- 3) Diversion - The First Time Entrants Target - Criminalisation
- 4) Youth Offending Team - Targeted Youth Support – Family Key Work – Troubled Families
- 5) Outcomes for young people - Monitoring
- 6) Anti-Social Behaviour and young people in East Sussex - Community Safety
- 7) Young people's health and youth offending
- 8) Developments: Successes: Challenges

### Appendix 3 – Young People's Information Sheet and Consent

#### **3.a - Information sheet for possible participants:**

##### **What is this project all about and what does it mean for me if I agree to take part?**

I am carrying out some research with young people and families in 'LA1'. I am studying at the University of Bedfordshire.

I am especially interested in 'Out of court disposals' and in what services are offered to young people and their families if they are receiving an out of court disposal.

**Whether you do or do not take part in no way affects the type of outcome you get from police or the service you will receive from 'LA1'.**

##### **Consent:**

If you are under 13 you will need your parent's consent to take part and your parent can withdraw consent on your behalf.

If you are 16 or over you can give your own consent and your parent cannot withdraw consent.

If you are 13 – 15 years you will need parental consent to participate unless in circumstances considered by me and my supervisor to be safe and in your best interests, which we would discuss with you (and your parent/carer where possible).

##### **The Interview:**

If you agree to take part I would invite you to attend a confidential interview with me to talk about your experience for about an hour or less (up to you). You can come alone or with your parent/carer – you could be interviewed separately or together. We can arrange a place that suits you. You can answer as much or as little as you like and you can change your mind about taking part at any point. You will receive a £10 for attending to cover your expenses whether you decide to take part in the interview or not.

Anything that could identify you like names of people, areas, schools or workers would be removed when the interview is typed up. All information would be stored in locked offices within County Council offices until made anonymous. I would like to voice record the interview so I get a really

good record of everything you say to get the best information for the project, but this up to you if you agree; otherwise I can take notes. After the interview I would travel straight to an ESCC secure office and type up the session and store the records in a locked space in that secure office.

The limits to confidentiality are any circumstances where I uncover information that suggests children, young people (under 18) or vulnerable adults are suffering or likely to suffer significant harm I would have a **DUTY TO INFORM** the relevant authorities. I also have a duty to inform in circumstances where wider issues of public protection are at stake. Such information would be reported to supervisors and disclosed if necessary to relevant authorities.

**What other information about me would the research like to look at?** I would like to ask your permission to gather some data about you from information systems used by LA1 Children's Services. There is detail of exactly what I would gather on another sheet if you would like to see it. This would be information that would be put into numbers and kept fully confidential. This would help to support the information from the interviews. You can take part without agreeing to this information being accessed.

**What will happen to the information?**

I would use the information you provide to help me write an essay and make suggestions to help to improve services. You can ask me to meet with you to review the content of what I type up if you like and you can ask for things to be removed if you want to until I submit the essay.

**What happens next if I am ok to go ahead?**

We can arrange a time to meet for an interview. Please sign consent forms and tick appropriate things you are agreeing to.

You can make comments/compliments or complaints about this process to Targeted Youth Support on \*\*\* or to my supervisor Dr Tim Bateman for the research at University of Bedfordshire at \*\*\*.

Thank you for considering being part of this project, Katy O'Brien



### 3.b Young person's consent form

#### Young people's experiences of out of court disposals and services

Young person name:

Parent/carer name:

Address:

Phone Number:

**I consent to my son/daughter being interviewed as part of this project:** Yes / No

**I consent to being interviewed as part of this research project myself:** Yes / No

We will be interviewed together/We will be interviewed separately.

**I have understood the information sheet attached:** Yes / No

**The preferred venue (s) we are happy to meet at are:** .....

**I am happy for this interview to be voice recorded:** Yes / No

**I would prefer that the interview is noted by the researcher:** Yes / No

**I am happy for some specific information about my son/daughter from council information systems to be gathered as part of this project (will be fully anonymous).**

Yes / No / More information needed (can provide you with more detail if you wish).

**Can you identify someone that can be contacted in event of any emergency issues while you/the child/young person are at the interview?**

.....

**Are there any health/medical, emotional/behavioural or diet/allergy issues the researcher needs to be aware of at the interview?**

.....

**Would you like to identify someone that can be contacted in case you need to follow up on anything that comes up for you during the interview?**

.....

Signed \_\_\_\_\_

### 3.c – Parent/carer Consent form

#### **Young people's experiences of out of court disposals and services**

Young person name:

Parent/carer name:

Address:

Phone Number:

**I consent to being interviewed as part of this research project:** Yes / No

**My parent/carer (s) will also be interviewed:** Yes / No

If yes - We will be interviewed together/We will be interviewed separately.

**I have understood the information sheet attached:** Yes / No

**The preferred venue I/we can meet at is:**.....

**I am happy for this interview to be voice recorded:** Yes / No

**I would prefer that the interview is noted by the researcher:** Yes / No

**I am happy for some specific information about me from council information systems to be gathered as part of this project (will fully anonymous).**

Yes / No / More information needed (can provide you with more detail if you wish).

**Can you identify someone that can be contacted in event of any emergency issues while you are at the interview?**

.....

**Are there any health/medical, emotional/behavioural or diet/allergy issues the researcher needs to be aware of at the interview?**

.....

**Would you like to identify someone that can be contacted in case you need to follow up on anything that comes up for you during the interview (not essential)?**

.....

Signed \_\_\_\_\_

Date \_\_\_\_\_

3.d – Additional Information sheet for possible participants about potential data to be gathered from LA1 Data systems about participants

Information from LA1 Computer Systems

Quantitative data for interview participants from Aspire (Targeted Youth Support):

- Information about police referral into TYS - the nature and gravity of the offence
- Any previous Community Resolutions recorded
- How long was the involvement with TYS?
- Re-offending information

Quantitative data for interview participants from YOIS (if relevant) (Youth Offending Team):

- Information about police referral into YOT - the nature of the offence and the gravity of the offence
- Disposal received following assessment
- Re-offending information

From Carefirst Data (Social Care):

- Police notices sent to Children's Social Care about a young person or family in the past and 6 months after interview.
- Whether person had contact, assessment, been open as a child in need, or a child in need of protection, a looked after child or been in a special guardianship.

## Appendix 4 - Coding Frame Interviewee Quantitative Data

### Case id

1 - 14

### Sex

- 1 - male
- 2 - female

### Age at interview

14 – 17

### Ethnicity

1 - WB

### Main out of court disposal (that led to being identified for the project)

- 1 - reprimand
- 2 - final warning
- 3 - caution
- 4 - cond caution
- 10 - CR

### Agency involved in disposal

- 1 - TYS
- 2 - YOT court
- 3 - police alone
- 4 - YOT EI

### Direct work with TYS following disposal

- 0 - No
- 1 - 0 to 3 months
- 2 - 3 - 6 months
- 3 - 6 - 12 mths
- 4 - over a year
- 99 - unknown

Was there existing TYS involvement at time of disposal?

- 1 - yes
- 0 - no

Direct work with YOT EI following disposal?

- 0 - No
- 1 - 0 to 3 months
- 2 - 3 - 6 months
- 3 - 6 - 12 mths
- 4 - over a year
- 99 - unknown

Was a police notice of concern (MOGP1) sent to social care about the same incident?

- 1 - yes
- 0 - no

Did the young person become a First Time Entrant (FTE)?

- 1 - This disposal
- 2- Previous/existing FTE
- 3- Subsequent
- 0 - Never

Offence type

- 1 - Criminal damage
- 4 - Violence against the person
- 5 - Public order
- 8 - Theft and handling
- 11 - Drugs offence

Offence gravity

- 1 - 6

Was there a previous out of court disposal?

- 1 - reprimand
- 2 - final warning
- 3 - caution
- 4 - cond caution
- 10 - CR

Agency involved in disposal

- 1 - TYS
- 2 - YOT court
- 3 - police alone
- 4 - YOT EI

Offence type

- 1 - Criminal damage
- 4 – Violence against the person
- 5 – Public order
- 8 – Theft and handling
- 11 – Drugs offence

Offence gravity

- 1 – 6

Was there a subsequent out of court disposal?

- 1 - reprimand
- 2 - final warning
- 3 - caution
- 4 - cond caution
- 10 - CR

Agency involved in disposal

- 1 - TYS
- 2 - YOT court
- 3 - police alone



4 - YOT EI

Offence type

1 - Criminal damage  
 4 – Violence against the person  
 5 – Public order  
 8 – Theft and handling  
11 – Drugs offence

Offence gravity

1 – 6

Was there a subsequent court order

1 - yes

0 – no

Offence type

1 - Criminal damage  
 4 – Violence against the person  
 5 – Public order  
 8 – Theft and handling  
 11 – Drugs offence

Offence gravity

1 – 6

Total Number Offences

1 - 13

Total number disposals

1 – 13

99 – not known

Previous Social care contacts

0 - None

- 1 - Contacts only
- 2 - Assessments
- 3 - CIN
- 4 - CP
- 5 - CLA or SG

Previous MOGP1s?

- 1 - Yes
- 0 - No

Was there TYS or Early Help service before the main out of court disposal?

- 0 - No
- 1 - 0 to 3 months
- 2 - 3 - 6 months
- 3 - 6 - 12 mths
- 4 - over a year
- 99 - unknown

Post Social care contacts

- 0 - None
- 1 - Contacts only
- 2 - Assessments
- 3 - CIN
- 4 - CP
- 5 - CLA or SG

Was there TYS or Early Help service after the main out of court disposal- separate to the disposal

- 0 - No
- 1 - 0 to 3 months
- 2 - 3 - 6 months
- 3 - 6 - 12 mths
- 4 - over a year
- 99 - unknown

Post- MOGP1s?

1 - Yes

0 - No

Appendix 5 – Images Used in Some Service User Interviews 1 – 4

Photographic Images Redacted:

A police officer

A youth work leader and group of young people

Young people at school

Young person smoking (possibly cannabis)

Photographic Images Redacted:

Young people in art class

Young person and an older person standing looking at each other

Young person drinking alcohol

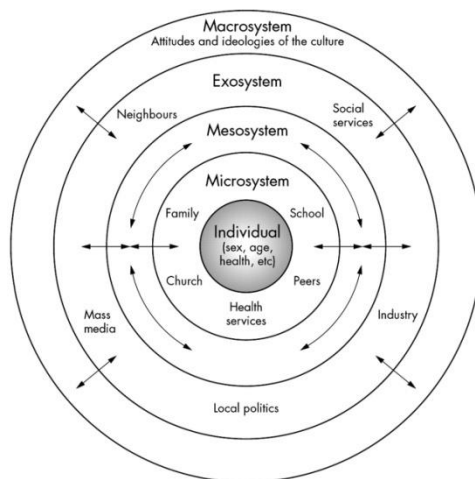
Photographic Images Redacted:

Photo of Great Britain Olympic Athletes from London 2012

Image of an adult and child standing together

Diagram:

(Figure 3.1)



'Bronfenbrenner's Ecological Theory of Development (English).jpg' (2012) in *Wikipedia: The Free Encyclopedia*,

[https://commons.wikimedia.org/wiki/File:Bronfenbrenner%27s\\_Ecological\\_Theory\\_of\\_Development\\_\(English\).jpg](https://commons.wikimedia.org/wiki/File:Bronfenbrenner%27s_Ecological_Theory_of_Development_(English).jpg) [Accessed: October 2018]

## Appendix 6 – Analysis of themes from the mixed methods data

The analysis of the data provides a context for deepening understanding of the use of out of court disposals and processes involved in service responses. This can be considered through insight into the habitus and social fields of young people experiencing responses. The analysis also provides insight into the operation of ‘the system’ through the notion of social fields and the habitus of staff.

### a. Service user interviews

Insight into habitus and field of young people and their worlds.

- Young people and parents – low understanding of disposals and processes – mismatch with linear patterns from staff perspective and policy. (Various issues – some may not have known they had a CR – others may have been affected by their social context i.e. field and capital and habitus of service user affects relevance of diversionary process.)
- Disposals and habitus – the level to which the disposal affects habitus may depend upon the social fields a person navigates and the nature of capital inherent in the fields. (Police, records, court, sense of lack of faith in services for some people?) Issues of service contact and identity can be understood in ecological terms where the individual receives disposals in wider social context.
- Considering narratives of need and risk in young people’s lives – individual – micro – meso – exo – macro issues

- 'Meso, exo and macro' level issues which tended to reduce any sense of deterrent or impact of diversionary processes – understanding social context may help make disposals more relevant.
- Understanding habitus and capital helps to understand structure and agency as interactive – young people give sense of wider ecological context but with narrative of rationale choice. This helps to understanding 'labelling' and diversion in an alternative critical reflexive way.

#### Insight into social fields of 'the system'

- Constructions of 'diversion' – what kinds of practice are described? Different trends in responses from different agencies – social fields of provision. Whether police and 'CR' are within or outside 'the system.'
- 'The system' – much wider context in terms of service contact for many people with diversion as an oversimplification of experience – thus mismatch with the notion of 'keeping them out'.

#### b. Staff data

#### Insight into social fields of the system and habitus of staff

.

- How diversion is constructed – decision making and what affects it practice paradigms - social fields of practice – doxa – rules of the game.



- Services and social fields – the way services are structured and how this is constructed through practice rationale – the system as a far wider than the YJS. Whether police and ‘CR’ are within or outside ‘the system.’
- How policy may influence practice – thus how the macro level may influence the exo, meso and micro levels in terms of ‘systems’.

Insight into perceptions about habitus and field of young people and their worlds.

- ‘See you in court in a few weeks’ – ‘willingness’ to change – decision making and risk – locating risk with attitude of young person rather than other risks.
- ‘Keeping them out’? – Discussion about how people might be experiencing different responses from different fields because of practice paradigms.
- Tendencies for interventions to be at individual and micro levels with little focus on social contexts of peers, social conflict, and economic, educational contexts.

- c. Large quantitative [NB – this data has not been used in the final write-up because of the issues of inaccuracy that exists – see chapter 3, methodology for explanation].

Insight into social fields of the system (overlap with insight into social worlds of service users and how services define their personal and social needs.)

- There is widespread use of out of court disposals which are non-linear in the way they are used – thus there is mismatch with the way staff constructed understanding of practice.
- There is no clear data as to why some people are FTEs and others are not (some people receive 3 or 4 disposals of CR where as others become FTE on first disposal). Thus the data supports an analysis that 'system entry' is socially constructed.
- Data about the disposals is not coherently gathered or analysed; this data is held in different ways by different services which gives insight into the operation of social fields of services rather than one 'system'.
- There is a separate realm of practice carried out by police in relation to CR; this is not only in relation to 1<sup>st</sup> and 2<sup>nd</sup> offences but some examples where these are used separately to the 'YJS'.
- There is much that could be explored about 'the gateway to the YJS' and also risk that may present at the gateway to social care which is not currently gathered by current processes.
- Bourdieu and Bronfenbrenner in terms of social fields and the way levels of 'systems' of service provision are structured; also how there can be change in processes and functions of different fields.

d. Interviewee quant data



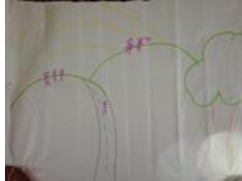









### Insight into social fields of the system

- Service users often navigate a complex range of services that can be understood as social fields as data is held separately about them by each service.
- Sometimes those being diverted from the 'YJS' are already involved in social care and other services so a notion of 'system entry' in terms of purely YJ responses appears unhelpful to holistic understanding of service contact.

### Insight into young people's social worlds

- Disposals are not always applied in a linear way.
- For those who were already identified with having social need and risk (social care involvement) minimalist diversion does not appear to have been helpful with these young people re-offending – small sample but way the data is held means this is not routinely considered and viewed non-systemically.

### Appendix 7 – ‘My World’ Pictures created by interviewees

‘My World’ Drawing	What people wrote	‘My World’ Drawing	What people wrote
YP1 	School GCSEs – stress College Happy Family BF’s house ‘yts’ at edge of picture when prompted.	YP2 	Exams College Friends Family
YP3 	Self in middle on own Group of friends Workers – TYS	YP4 	Friends and family Holiday plans College Self and family and friends drawn
YP5 	Family, mum and dad Area 1 Money Girlfriend Drink Drugs Jail (friend) TYS (at side)	YP6 	Friends Study
YP7 	My world Me and work and male spent time with at work Mum Dad Various family members in between mum and dad	YP8 	Happy on new college course Slightly unsure of life Wish had better relationships with friends and family Find a job PS3/music Overthink
YP9 	“My world is pretty much the estate”  “It’s more my world than my family”	YP10 	Fiancé and mum ☺ Sister Arguments Sweeties Bestie Dad (poo emoji)
YP11 No ‘My World’	Interviewed with his dad. Unclear view about ‘his world’.	YP12 	Narrative talks about not knowing what is going on day to day and being “chaotic”.
YP13 	Parent only – she described;  Family – Gang	YP14 No ‘My World’	Interview was ended before this was completed due to young person being upset.

### Appendix 8 - A mapping exercise of service user need and services received from service user interviews

In analysing the service user interviews, a mapping exercise was carried out to explore the areas of need in the young person's life. These were categorised broadly as family, peers and conflict, education and employment, emotional health, community and deprivation, personal relationships and substance use. Also two other areas of intervention were noted which were sexual health and restorative justice. The data from the interviews about the kinds of responses provided by each service as part of the extra-judicial responses were then mapped against the areas of need. If the interviewee described other services addressing a need then this was noted in 'addressed by other services'. When there was an apparent need and an unclear service response this was noted under 'not clear'. There is an indication of what the interviewees said about which other services were involved and what is was that was 'not clear' under each table to provide some additional context.

#### 1. The Data about YOT Early Intervention Team from YP2, YP2, YP4, YP6, YP12, YP13, YP14

Need/risk	Addressed as part of Pathway response	Addressed by other services	Not clear
Family		2 (*1)	12 (*2), 14 (*2)
Peers and conflict			2, 3, 12, 13 all (*3)
Education, employment and training		14 (*4)	2, 12, 13 all (*5)
Emotional health			2, 12, 13, 14 all (*6)
Community and deprivation			2, 12, 13, 14 all (*7)
Relationships, sexual health		14 (*8)	12 (*9)
Substances	6, 12 and 13	14 (*11)	6, 12, 13, 14 (all * 10)
Impact of offence on victim	3 – letter 13 - reparation		-

\*1 - CRI Intensive Family Intervention Project (CRI IFIP) and TYS and Education Secondary Behaviour and Attendance Service (ESBAS).

\*2 - both had had social care involvement Child Protection (CP) plans but felt very negatively about this.

\*3 - sense of unaddressed social conflict which they were navigating.

\*4 - YOT court work were addressing this.

\*5 – unresolved educational issues

\*6 – unresolved emotional health issues

\*7 – sense of unaddressed deprivation and community issues

8\* - had seen WISE (CSE project) and YOT nurse

\*9 - concerns re vulnerability to co-dependency related to homelessness

\*10 – reported continuing cannabis use

\*11 - YOT court work involved

There was therefore a sense that the focus of work tended to be about the offence and 'restorative justice' and about addressing any identified substance use.

## 2. The Data about Targeted Youth Support from YP1, YP4, YP5, 9, YP10, YP12

Areas of need from interview	Addressed as part of 'Pathway' response	Addressed by other services	Not clear
Family	1, 4	1 (*1), 4 (*2)	10 (*3), 12 (*4)
Peers and conflict			1, 9, 10, 4, 5, 12 all (*5)
Education	1, 5,	9 (*6)	5, 9, 10, 12 all (*7)
Emotional health	1, 4, 10	1 (*1)	9, 10, 12 all (*8)
Community and deprivation			1, 5, 9, 10, 12 all (*9)
Relationships, sexual health	1, 5, 9		10, 12 all (*10)
Substances		5 (*11), 12 (*12)	5, 10, 12 (*13)
Impact of offence on victim	4 - letter		-

\*1 – NSPCC

\*2 – Counselling

\*3 - Felt issues re father's alcohol and violence were not really addressed; subsequent social care due to homelessness.

\*4 - had social care involvement CP plan but very negatively about this, subsequent social care due to homelessness.

\*5 –sense of unaddressed social conflict which they were navigating.

\*6 – ESBAS

\*7 – unresolved educational issues

\*8 – unresolved emotional health issues

\*9 – sense of unaddressed deprivation and community issues

\*10 – subsequent emerging concerns re vulnerability to co-dependency related to homelessness

\*11 – YOT court work involved

\*12 – YOT EI attempted work

\*13 – subsequent potentially problematic substance use – related to community and social contexts.

Therefore this data supported a sense that TYS tended to address education, family, emotional health, relationships and sexual health and in one case the young person spoke about an apology letter. The focus group data reveals that this letter was requested by YOT.

### 3. The data on police-only CR from YP1, YP3, YP7, YP8, YP11 and YP14

	Addressed as part of response	Addressed other	Not clear
Family		11 (*1)	3 (*2), 7 (*3), 11 (*2),14 (*2)
Peers and conflict			1, 3, 8 (*4)
Education		3, 8 (*5) 14 (*6)	3, 7, 8 (*7)
Emotional health		3, (*8) 8 (*9)	3, 7, 8 (*10)
Community and deprivation			1, 3, 8 (*11)
Relationships, sexual health		8 (*12) 14 (*13)	7 (*14)
Substances		14 (*15)	3, 14 (*15)
Impact of offence on victim	8 - letter		

\*1 – CP plan in another area, social work in LA1 and TYS

\*2 - had had CP plan but felt negatively about this

\*3 – had TYS – really unclear narrative from interview about her life in general – low faith in services

\*4 - sense of unaddressed social conflict which they were navigating

\*5 - later attempt to address by TYS by time of interview

\*6 - YOT court work were addressing this subsequently

- \*7 - unresolved educational issues
- \*8 - later attempt to address by TYS
- \*9 - later attempt to address by TYS and CAMHS by time of interview
- \*10 – sense of unaddressed emotional health issues
- \*11 - sense of unaddressed community and deprivation issues
- \*12 - later attempt to address by TYS by time of interview.
- \*13 - had seen WISE and YOT nurse
- \*14 – sense of co-dependency
- \*15 - YOT court work involved
- \*16 – reported continued cannabis use
- \*17 – already addressed through Pathway

Therefore the police response appears to be very minimal indeed.



## Appendix 9 – Information and consent for staff gatekeepers

### 9.a – Gatekeeper information sheet

#### **‘A study of young people’s experiences at the gateway to the Youth Justice System’**

I work for Targeted Youth Support in LA1 and am also a student at the University of Bedfordshire.

I am carrying out some research aimed at giving young people and families a voice about the services they have received in LA1 as a result of receiving an out of court disposal. This will be done by interviewing young people and their parents/carers as well as gathering quantitative data from information systems.

**For the purposes of the study I need to identify young people and/or their parents/carers who have received or are about to receive out of court disposals community resolution, reprimand or caution in LA1 since November 2011.**

You may have someone on your caseload who has received such a disposal. You may feel able to mention this project to the young person and/or their parent/carer.

If you agreed to do this, you would mention the project, provide the written information sheet about the project and ask if they would agree to you passing their details to me (a researcher) by secure email. If they agreed then you would email me their contact details and I will then call them to explain the project further and ask if they would like to take part. This would be the end of your role in relation to the research. If they have further questions you can provide my details to them or the details of my research supervisor as highlighted on the information sheets.

It is imperative that it is made clear this is optional for them to agree to and that whether they do or do not take part in no way affects the type of outcome they receive from police or the service they will receive from LA1.

**If you agree to acting as a gatekeeper then please email me and let me know you are ok with this or would like to know more.** This project has social care research governance approval and support from managers.

If you agree there is no expectation that you mention this project to every person you work with that meets the criteria and that this would be a case by case decision as to how appropriate it is to mention the research (for example if people are distressed and it seems inappropriate at the time you may decide not to mention the project.)

**My contact details are: \*\*\*\* – please contact me if you would like to discuss any aspect of the project further.**

You can make comments/compliments or complaints about this process to Targeted Youth Support on \*\*\*\* or to my supervisor Dr Tim Bateman for the research at University of Bedfordshire at \*\*\* **Thank you for considering this, Katy O’Brien**

### 9.b Gatekeeper consent form

I am agreeable to acting as a gatekeeper for the research project 'A study of young people's experiences at the gateway to the Youth Justice System.'

Your name:

Your role:

Email address:

Contact phone number:

Signed.....

## Appendix 10 – Information and consent for focus group participants

### 10.a - Information sheet for possible focus group participants

#### **'A study of young people's experiences at the gateway to the Youth Justice System'**

I am carrying out some research with young people and families and LA1.

I work for Targeted Youth Support but I am acting in the capacity of researcher for the purposes of this project for studies I am doing at the University of Bedfordshire. The research is aimed at giving young people and families a voice about the services they have received and to contribute to knowledge about the services through a mixed method design which includes interviewing young people and potentially their parents/carers, as well as holding focus groups with staff and gathering quantitative data from information systems.

I am especially interested in 'Out of court disposals' and in what services are offered to young people and their families if they are receiving an out of court disposal and how they address any possible needs of the young person and their family.

For the purposes of the study I need to identify a range of young people and their parents/carers who have received or are about to receive out of court disposals of community resolution, TYS Pathway, caution or conditional caution in LA1 since November 2011.

I also need to identify participants for a focus group:

TYS and YOT practitioners/senior practitioners or managers who are either currently involved in the delivery of TYS Pathways or conditional caution assessments or have young people on caseload who have received such a disposal after attending a TYS Pathway or directly from police.

The group will consist of an hour session at a convenient Children's Services office base and to discuss themes in relation to out of court disposals, early intervention and early help. The sessions will be very open with no set schedule of questions but rather open themes for discussion. This is intentionally designed to be open to people to decide what contribution they are able to make to themes which are around early intervention/early help and diversion and risk in youth.

I will be voice recording the focus group. The recording will stay in secure ESCC offices and stored in a locked space in that office.

Every attempt will be made to maintain your anonymity through removing your name or other names you mention but that due to your professional role there is a chance you could be identified due to knowledge/experience/other factors such as which team you are in and so on.

You have the right to request a review of the transcript and remove any comments you might wish to remove prior to writing up of findings.

The limits to confidentiality are any circumstances where I uncover information that suggests children, young people (under 18) or vulnerable adults are suffering or likely to suffer significant harm I would have a **DUTY TO INFORM** the relevant authorities. I also have a duty to inform in circumstances where wider issues of public protection are at stake – that is, for example, in circumstances where research participants may issue threats to harm another person or where they may announce an intention to commit a crime. Again, such information would be reported to supervisors and disclosed if necessary to relevant authorities.

My contact details are \*\*\*\* – please contact me if you would like to discuss any aspect of the project further.

You can make comments/compliments or complaints about this process to Targeted Youth Support on \*\*\*\* or to my supervisor Dr Tim Bateman for the research at University of Bedfordshire at \*\*\*\*.

Thank you for considering being part of this research project, Katy O'Brien

## 10.b – Consent form for focus group participants

### **Young people's experiences at the gateway to the Youth Justice System.**

Name:

Role:

Work Address:

Work Phone Number:

I consent to being interviewed as part of this research project as part of a focus group:

(You can change your mind at any point prior to taking part and there is no expectation for you to take part.)

I am happy to be part of a group discussion with other staff from other teams in Children's services:

I have understood the information sheet attached:

The preferred venue (s) we are happy to meet at are:

I am happy for the focus group to be voice recorded:

I understand that every attempt will be made to maintain my anonymity through removing your name or other names you mention but that due to your professional role there is a chance I could be identified due to knowledge/experience/other factors such as which team you are in and so on.

The information discussed is confidential and you have the right to request a review of the transcript and remove any comments you might wish to remove prior to writing up of findings. You will be kept informed of the outcomes and findings of the project. Confidentiality is within the boundaries of the need to disclose information which suggests people could be at risk of significant harm or information about undetected crimes.

Can you identify someone that can be contacted in event of any emergency issues while you are at the interview?

.....

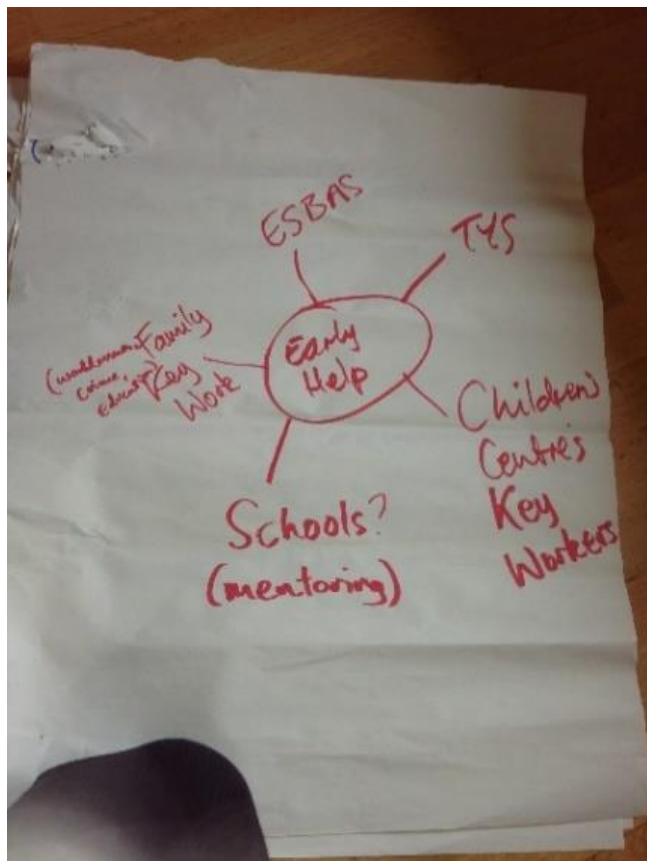
Are there any health/medical, access or diet/allergy issues the researcher needs to be aware of at the focus group?

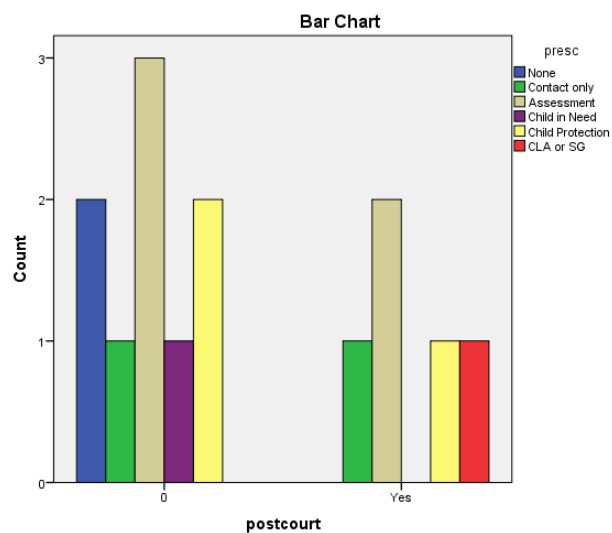
.....

Signed \_\_\_\_\_

Date \_\_\_\_\_

Appendix 11 – Services that made up 'Early Help', from the staff focus group



Appendix 12 – Interviewees who received court orders and pre-social care contact SPSSchart



Appendix 13 – Examples of charts created using large quantitative data

PLEASE NOTE THIS DATA IS NOT RELIABLE, AS EXPLAINED IN CHAPTER 3, SO IS

INCLUDED FOR INDICATIVE PURPOSES ONLY

**Table: The use of community resolution for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> offences 2012 –14 in LA1**

	CR 1 <sup>st</sup> offence <b>Total in bold</b> (Offence gravity in brackets)	CR 2 <sup>nd</sup> offence <b>Total in bold</b> (Offence gravity in brackets)	CR 3 <sup>rd</sup> offence <b>Total in bold</b> (Offence gravity in brackets)
Police-only	<b>637</b> 95 criminal damage (2) 1 Violence (gravity 6) 76 (gravity 3) 105 (gravity 4) 54 Possession cannabis (2) 1 Possession class A (3) 245 Theft (3) 6 burglary non-dwelling gravity (4) 1 Robbery (6) 1 Voyeurism (5) 52 other gravity (2 – 4)	<b>78</b> 13 criminal damage (2) Violence 13 (gravity 3) 12 (gravity 4) 6 Possession cannabis 2 19 Theft gravity (3) 27 Other (2 – 4)	<b>27</b> 4 Criminal damage (2) Violence 6 (gravity 3) 6 (gravity 4) 6 Possession cannabis (2) 9 Theft gravity (3) 1 Public order (2) 1 Other (2 – 4)
TYS Pathway	<b>84</b> 10 Criminal damage (2) 13 Violence (3) 17 Violence (4)	<b>24</b> 7 Criminal damage 2 Violence (3) 7 Violence (4) 0 Possession cannabis	<b>3</b> 2 Possession cannabis 1 Public order

	17 Possession cannabis (2) 17 Theft (3) 4 Public order (2) 1 Going equipped for burglary (4) 5 Other (2 – 4)	0 Theft gravity 3 1 Public order 2	
YOT EI Pathway	1 – criminal damage	<b>5</b> - 1 Criminal damage 2 Violence (3) 1 Possession cannabis 1 Theft gravity 3	<b>3</b> – 1 Theft 3 1 - Violence (4) 1 – public order
Unknown agency	<b>2</b>	<b>0</b>	<b>0</b>

Table: Offence types and disposals; first, second and third offences (n=) 2012 – 2014

Offence type	1 <sup>st</sup> , 2 <sup>nd</sup> or 3 <sup>rd</sup> offence	Number of CR disposals	Number of reprimand/caution	Number of FW/YCC	Number of referral orders	Number of YROs	Custody	Number of conditional discharge	Not known
Possession of cannabis	1 <sup>st</sup> offence	69 16 from TYS, 2 YOT, 51 from police alone	25	6	1	-	-	-	4
	2 <sup>nd</sup> offence	10 All police alone	4	2	5	-	-	1	-
	3 <sup>rd</sup> offence	2 (TYS)	1	-	1	-	-	-	-

<b>Violence gravity 3</b>	<b>1<sup>st</sup> offence</b>	<b>87</b> 12 from TYS, 75 from police	28	11	<b>11</b>	<b>1</b>		<b>1</b>	<b>1</b>
	<b>2<sup>nd</sup> offence</b>	<b>22</b> 17 police only, 3 TYS, 2 YOT	<b>6</b>	<b>5</b>	<b>12</b>	-	1 - same order as 1 of the gravity 4 orders.	-	-
	<b>3<sup>rd</sup> offence</b>	1 police only	<b>3</b>	<b>3</b>	<b>3</b>	<b>2</b>	-	-	<b>1</b>
<b>Violence gravity 4</b>	<b>1<sup>st</sup> offence</b>	<b>119</b> 101 police- alone, 17 TYS, 1 YOT	<b>15</b>	<b>10</b>	<b>1</b>	-	<b>2</b>	-	-

	<b>2<sup>nd</sup> offence</b>	<b>24</b> 17 police only, 7 TYS	<b>3</b>	<b>2</b>	-	-	-	-	-
	<b>3<sup>rd</sup> offence</b>	<b>2 police only</b>	<b>5</b>	<b>1</b>	-	-	-	-	-
<b>Theft</b> <b>gravity</b> <b>3</b>	<b>1<sup>st</sup> offence</b>	<b>257 - 240</b> police-only, 16 TYS, 1 YOT	<b>33</b>	<b>13</b>	<b>9</b>	-	-	<b>5</b>	-
	<b>2<sup>nd</sup> offence</b>	<b>39 - 31 police</b> only, 7 TYS, 1 YOT	<b>5</b>	<b>5</b>	<b>4</b>	<b>2</b>	-	<b>2</b>	<b>1 - 11</b>
	<b>3<sup>rd</sup> offence</b>	<b>2 -1 police</b> and 1 YOT	<b>2</b>	<b>8</b>	<b>7</b>	<b>2</b>	-	-	-

**Table: Disposals for possession of cannabis 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> disposals by ethnicity and gender 2012 – 14**

<b>Offence</b>	<b>Disposal type</b>	<b>1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> offence</b>	<b>Number of males</b>	<b>Number of females</b>	<b>Number of white British</b>	<b>Number of non-white British</b>	<b>Totals</b>
<b>Possession of cannabis</b>	<b>Community Resolution (police-only)</b>	<b>1st</b>	<b>43</b>	<b>8</b>	<b>45</b>	<b>6</b>	<b>51</b>
		<b>2nd</b>	<b>10</b>	<b>0</b>	<b>4</b>	<b>3 (No info 3)</b>	<b>10</b>
		<b>3rd</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
	<b>Community Resolution (following Pathway)</b>	<b>1<sup>st</sup></b>	<b>17</b>	<b>1</b>	<b>17</b>	<b>1</b>	<b>18</b>
		<b>2<sup>nd</sup></b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
		<b>3rd</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>3</b>
	<b>Reprimand/caution</b>	<b>1<sup>st</sup></b>	<b>18</b>	<b>6</b>	<b>18</b>	<b>6</b>	<b>24</b>

		<b>2nd</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>7</b>
		<b>3rd</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
	<b>Final warning/Youth Conditional Caution</b>	<b>1<sup>st</sup></b>	<b>6</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>6</b>
		<b>2nd</b>					
		<b>3rd</b>					
	<b>Referral order</b>	<b>1<sup>st</sup></b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
		<b>2<sup>nd</sup></b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>4</b>
		<b>3rd</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>
	<b>Conditional discharge</b>	<b>1st</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
		<b>2nd</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
		<b>3<sup>rd</sup></b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>